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H – 1095

International Court of Justice

H1095-0002

SUMMARY OF EVIDENCE OF ELSE PAUL WITNESS FOR THE

CORPS OF POLITICAL LEADERS ORGANIZATION

TAKEN BEFORE A COMMISSION ON 27 JUNE 1946

TRANSCRIPT PAGES

SUBJECT: Organization and aims of the N.S.F. (National Socialist Frauenschaft).

Witness was a member of the Reichsfrauenschaft from 1934 to 1945 and served as deputy to Reichs Frau Scholtz-Klink.

I. Activities Relating to Article 6 of the Charter

1. Organization of the N.S.F.

Witness testified that for many years women entered the Frauenschaft only after serving a probationary period in an organization known as the Frauenwerk. The Frauenschaft alone had approximately 2,000,000 members in 1938. There was no organizational connection between N.S.F. and the Party. Originally Dr. Ley had asked Hauptamtsleiter Hilgenfeld to act as the leader of the organization, and on one occasion he called Frau Scholtz-Klink and instructed her to do the women's work, but thereafter he no longer paid any attention to her and she worked independently. The women were forbidden to be politically active, particularly in regard to the making of political speeches. The Organization Book of the Party was found to be in disagreement with the actual activities of the N.S.F., and its use was, therefore, ignored by the witness.

2. Aims and activities of the N.S.F.

N.S.F. did not intervene in religious controversies, was not involved in Jewish events of 9 November 1938, and had no connection with concentration camps; although witness recalled one instance wherein N.S.F. women were detached to instruct Jewish youths in sewing, etc.

On cross examination witness admitted that N.S.F. supported Party and perhaps indoctrinated its members in Nazi principles. Witness was questioned concerning Document D 884, Organization Document No. 10, issued by Gaustabsamtsleiter in Gau Baden, Alsace, pertaining to regulations concerning pregnancy of foreign women workers. Distribution list of document indicated that N.S.F. had received a copy. Witness denied any knowledge regarding it and maintained such problems were concern of German Labor Front, and not N.S.F.

Witness testified that excerpt from book, "New World of German Women", by Gertrude Baumer, published in 1946, was correct wherein it stated that although Nazis organized women for certain tasks, they were excluded from participation in politics.

Summarized by:

D. M. HUNT

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SUMMARY OF EVIDENCE OF DR. NORBERT POHL

WITNESS FOR THE SS ORGANIZATION TAKEN

BEFORE A COMMISSION ON 20 OF MAY

TRANSCRIPT PAGE 42

SUBJECT: Chain of Command of the SS.

The purpose of calling this witness was to show certain errors in the chart of the SS Organization submitted by the Prosecution. Witness was an attorney who joined the SS in 1933 (Page 42) and the Waffen-SS in 1939. He was on the court martial staff and after 1945 with the SS main office.

I. Activities relating to Article 6 of the Charter.

1. Structure of the SS Organization.

The chart produced by the Prosecution showing the 12 main offices of the SS is not correct (Page 43). This is because on the chart certain departments are united under Himmler which had nothing to do with the SS (Page 44). Only part of the main offices referred to are SS offices. For example, the main offices of the Ordnung Polizei and the security police had nothing to do with the SS tho in fact Himmler was Chief of the German police. The subordinate police authorities belonged to the State and not to the party. The Reich Commissioner for the consolidation of German Nationality was also a state office (Page 45). There was no "High Command of the SS". There were, however, various organizations included in the term SS, such as the Waffen-SS, Allgemeine SS and the SD (Page 46). The formation of the Waffen-SS created new headquarters offices. Previously the SS main office had been staffed exclusively by the Allgemeine SS. The WVHA (Economic and Administration Main Office) was now entrusted with primarily SS tasks and embraced functions on behalf of the Allgemeine SS and the SS main office (Fuehrungshauptamt) and all the rest of the SS except the SD. The WVHA was also in charge of supply, training and education of the Waffen-SS. There was a general inter-change of personnel between the Allgemeine SS and the Waffen-SS. The racial and settlement main office arranged marriages (Page 47) and settled on land SS men who were qualified to do agricultural work. There were then the SS central or main office (SS Hauptamt), the WVHA, the racial and settlement office, the legal office (SS Gericht), the operational headquarters (Feuhrungshauptamt), the SS personnel staff and the Personal staff of the Reichsfuehrer SS (Page 48) There was no overall high command. There also existed a main office for the repatriation of racial Germans under Heissmeyer. This staff and the Personal staff of the Reichsfeuhrer SS could not give orders to subordinate units and were not strictly confined to SS matters. The Personal staff was under Gruppenfuehrer Lorenz. Witness did not know much of their activities (Page 49). The Prosecution's reference to a chief of staff in charge of the Personal staff of the Reichsfuehrer SS does not imply command over other units but merely to a so-called "staff leader" who directed officers and NCO's from the point of view of administration.

2. The SD and the RSHA in relation to the SS.

The SD, unlike the police, was not entirely separate from the SS but grew up as an independent organization. The police never had anything to do with the SS. Nor was the RSHA really a police organization at all. It consisted of what were originally two offices, viz, the security police and SD main offices which were later coordinated under Heydrich as chief of the security police and SD. The term RSHA (Reich Secuiry Main Office) is, therefore, misleading in implying that it was a police agency alone. Its function was to coordinate the police force on the one hand and the SD on the other (Page 50). The SD was an information service of the party (Page 51) and directed personnel of the security police and those members of the SD who were also members of the SS. (The Prosecution objected here that the witness was not qualified to discuss the SD but the Commissioner

was of the opinion that he was familiar with the general organization). Page 52).

In cross examination on the subject of the SD, the witness admitted that the SD was an independent part of the general organization of the SS. Reference was made in this connection to PS 2640 - US 323 and a book by Guenther D'Alquen (Page 57), PS 2284 - US 438, and the "National Political Cross for the Armed Forces) published by Himmler (Document 1992-A - US 439.). These suggest that the SD worked in close cooperation with the SS.

Witness stated that the Waffen-SS personnel referred to in the activities of the SD Einsatzkommando in a report dated the 31st of January, 1942 - L 180 - US 276 - were very small in number (Page 58) and that this incident had nothing to do with the general tasks of the Waffen-SS.

Heydrich's order regarding the Jewish pogrom of 10 November 1938 (PS 3051 - US 240, Page 2) was explained as being a direct order from Himmler to all units and does not suggest that SS and SD were working in close cooperation though they are mentioned in this order (Page 59).

3. The Higher SS and Police Leaders.

These are incorrectly described by the Prosecution, stated the witness, as superior officers of the SS. The Higher SS and Police Leaders and the Highest SS District Leader (Fuehrer der SS - Oberabschnitts) also held the position of Higher SS and Police Leader in company with other regional command authorities. The Highest District Leader could not give orders to the Allgemeine SS or Waffen-SS in his capacity as Higher SS and Police Leader. (Hoherer SS und Politzeifuehrer), nor could he give orders to the police except in occupied territory.

4. Concentration Camps.

The Prosecution's chart shows the Allgemeine SS in charge of concentration camps, whereas according to the official chart of the WVHA the concentration camps were only assigned to Amtsgruppe D of the WVHA. The witness explained that before the war the Totenkopf formations existed (Page 53) but that after the war troops of all kinds were drafted under a Reich law which effected all Germans. This was an emergency service law and had nothing to do with the SS itself. These troops were, however, under the administration of the Waffen-SS. After the beginning of the war the Totenkopf formations of the SS had nothing to do with concentration camps except in isolated cases (Page 54).

5. The connection between the SS, SD and the Police.

It is important to distinguish clearly between the SS and the police. As already explained, the title of Higher SS and Police Leader was held by the Higher District Leader but the two functions remained separate. The so-called SS Police Division consisted entirely of policemen but at the beginning of the war no one knew to whom they belonged or who should administer them and eventually they became part of the Waffen-SS. The only bond between the Waffen-SS, the Allgemeine SS and the SD was the leadership of Himmler and also obedience to certain laws regarding property and marriage (Page 55).

(At this point the Defense submitted a new chart of the SS which was put in as Exhibit No. 1, Defendant Organization No. 1).

Witness stated that this chart was correct.

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In cross examination witness stated that the SS courts were competent for all members of the Waffen-SS and police but not for the Allgemeine SS. The courts referred to were courts-martial similar to those held by the Army (Page 60). Members of the SD could be tried by SS courts.

Witness clarified his previous statement regarding functions of the SD by saying it included members of the SS Criminal Police and the Gestapo. These all wore insignia of the SD but only if they belonged to the SD as an information branch (Page 61).

Witness agreed that he was never a member of the SD (Page 62) and did not seem to have much information regarding the qualifications of Guenther D'Alquen (see above) in re-examination (Page 63).

Summarized by: A.M.S. NAVE
Lt. Colonel, AAG
Commissioner

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SUMMARY OF EVIDENCE OF GUENTHER REINECKE

WITNESS FOR THE SS ORGANIZATION TAKEN

BEFORE A COMMISSION ON 5 JULY 1946

SUBJECT: Activities of the SS Legal Organization and the Punisyment of Crimes committed by Members of the SS.

The fact that crimes had been committed by members of the SS was only discovered in the years 1943 and 1944 through proceedings in the SS courts.

Witness was Chief of Department I of the SS Jurisprudence Main Office and Director of the SS Supreme Court. As a result of his passing various legal examinations he was qualified to hold the position of a Judge within the civil system. His position as Oberfuehrer in the SS corresponded to that of a superior judge in the Wehrmacht.

I. Activities relating to Article 6 of the Charter.

1. The SS Legal System.

The SS judges had their own courts but had no independent training. They had to have the same qualifications as a judge in the civil system. Most of the SS judges were men holding high legal offices in civil life or who had been transferred from the Wehrmacht. Up to the beginning of the war it is not possible to speak of a special SS legal system or jurisdiction as the ALLGEMEINE SS was under the jurisdiction of the civil courts.

There were, however, certain disciplinary laws within the SS in order to cleanse it of criminal elements. It was a principle that only men who had never had any previous convictions should become members of the SS. Offenders against these rules were dismissed from the SS and were not allowed to re-enlist.

In 1934 an agreement was made between the SS and the Ministry of Justice whereby all offenders could be removed from the SS and placed at the disposal of the civil courts. For this purpose a special liaison officer between the SS courts and the Ministry of Justice was appointed. After the Polish campaign in 1939 when SS troops were used as an independent group, courts martial had to be set up for these troops. These courts martial were based on an order issued on the 7th of October 1939. The term "special jurisprudence" used in this order was only a technical term and merely means that the legal principles of the SS were distinguished from the civil code.

The SS legal system was applicable to the WAFFEN-SS and to police troops on special missions. During the course of the war Himmler declared that all German police forces would come under its jurisdiction. For the same reasons the Security Police and SD were also under the same jurisdiction. This did not, however, apply to the ALLGEMEINE SS which had always been under the civil code.

The SD was included under the jurisdiction of the SS courts. Auxiliary and volunteer workers at the front who assisted the SS, the post office organization and the SS girls who carried on the news and information service were included. The SS had no special rights of "penal investigation" of its own and the procedure was exactly the same as that carried out in the Wehrmacht by legal officers stationed with the troops.

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2. Description and Functions of the Courts.

There were about 75 SS and police courts in all. Above the subordinate courts there was a higher supreme court and a headquarters SS court responsible for the entire legal organization of the SS and police organizations. These courts had no relationship to any party offices or any affiliated organizations of the party. The system was entirely independent. The judges were independent and bound by the civil law. The courts had no jurisidction over civilians except where a civilian had committed an offense against the Army or against the SS and police. This principle applied also to the Wehrmacht courts.

There were, however, special regulations in Norway where the Reichs Commissar for Norway made use of the SS and police judges in proceedings against the civilian population. In other respects the SS legal organization was the same as that of the Wehrmacht. The SS and police courts were set up on the 17th of October 1939 at the time when the law establishing the SS legal system was passed.

3. The so-called "basic" laws and regulations.

Although it is true to say that the general principles of civil law were applied by the SS and police courts there were also certain SS "basic" laws. These were not laws in a legal sense but were "commands for duty" that Hitler himself proclaimed in order to insure the ethical standards of the SS. These included rules concerning the respecting of property and religion.

There was no real distinction between the SS and the Wehrmacht courts except perhaps in the severity of the punishments meeted out by the SS courts. Witness thought that this was due to the fact that the basic laws just mentioned called for "higher ideas of duty".

The SS and police courts had no power to punish by internment in a concentration camp nor for that matter had the civil courts.

Reference was made to the order issued by Hitler on the 13th of May, 1941 in which he said that soldiers who had committed offenses against the civilian population need not be punished. Witness explained that this order was misunderstood. In the first place there was no provision that an offender was not to be punished. It merely stated that it was at the discretion of the judge whether the person was to be punished or not. The law was issued to higher commanders at the Eastern Front and was not applicable to the headquarters SS court. Witness said that his office did not hear of this law until at least six months after it was published.

The evidence of Bach Zilewski on page 2409 of the German transcript was also quoted. Bach Zilewski stated in court: "In my opinion this order (i.e., the order of the 13th of May, 1941) is a deterrant to any orderly conduct in battle for troops who can only be exorted to carry on orderly conduct if disciplinary action is possible." Witness stated that Bach Zilewski's evidence is absolutely incorrect. It does not correspond with the actual facts and it contradicts the wording of Hitler's order. This order expressly stated that all crimes committed by soldiers must be prosecuted if the discipline of the troops is threatened.

The statement of Bach Zilewski on the 7th ofJanuary 1946 that he was never a judge himself is a deliberate lie. The whole time that Bach Zilewski was SS and police fuehrer in Russia he was at the same time a judge.

(The Hitler order of May, 1941 is contained in Document 446 PS, US 31).

Examination of the witness on the question of the attitude of the SS courts towardsreligion was objected to.

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4. Jurisdiction of the SS courts over the RSHA, the ALLGEMEINE SS and the Order Police.

Technically the jurisdiction of the SS courts extended to the RSHA as it did to the Security Police and SD. In practice, however, when the RSHA was placed under the jurisdiction of the SS and police courts, Heydrich succeeded in getting Himmler to approve that any investigation of matters concerned with the RSHA should be carried out solely by the RSHA itself. Thus the SS and police courts were prevented from having any knowledge of conditions in the RSHA itself and of any disciplinary measures that were taken.

Eventually in 1942 Heydrich asked that disciplinary measures involving the Security Police and SD should also be investigated by his own officials. This request of Heydrich's was rejected by Himmler with the exception of proceedings relating to the RSHA. In practice the SS courts never tried cases involving the RSHA although there were individual cases where the RSHA passed them on to the SS courts for further action.

5. The Position of the SS Courts in Relation to Concentration Camps.

In principle the SS legal organization was concerned with concentration camps. The inmates of concentration camps were, however, under the civil law. As late as August 1944 it was ruled by the Reichs Minister of Justice that this was the case. The members of the staff of concentration camps and the guards were, however, under the jurisdiction of the SS and police courts.

It was the duty of the SS to prosecute crimes that had been committed in concentration camps. This work was begun in the latter part of 1943 and continued until the end of the war. Witness stated that the SS and police courts did not succeed in getting to the "core" of the crimes that are alleged to have taken place in concentration camps until the close of the year 1944. Those crimes were first discovered by the SS in 1943 as a result of an investigation concerning the activities of Koch, commander of the Buchenwald concentration camp and it soon became evident that other atrocities were being committed and that the SS and police courts would not be able to cope with the prosecution of such crimes. For this reason a committee of experts of the criminal police were sent to the different concentration camps and with each such committee one SS judge was attached.

A special office was set up in the SS and police headquarters for this purpose, which was to have the status of a state prosecutor's office. Most of the proceedings that resulted were for manslaughter or murder. The SS had very great difficulty in obtaining the necessary information. (See II, 2, below.)

In re-examination witness explained that special court officers were appointed to investigate the causes of death or crimes in concentration camps. Proceedings would be started as a result of his investigations in all such cases.

The success of these investigations came apparently so near the truth that in 1944 Himmler requested that the investigations of the SS courts be discontinued due to the fact that the discipline of prisoners was being endangered. The result of this was that Himmler did not assist the work.

The investigation showed that the circle of persons involved in these crimes fell within the following categories: (1) concentration camp commanders; (2) members of the commanding staff of concentration camps; (3) political sections in concentration camps; (4) in many cases among medical officers; (5) to a very large extent among the prisoners themselves. Witness, however, was of the opinion that the guards of the concentration camps had very rarely anything to do with the allged crimes.

It was found out on investigation that the following persons gave the orders which resulted in the carrying out of the crimes for which their

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subordinates were prosecuted: Gruppenfuehrer Gluecks, Chief of Amtsgruppe D of the WVHA and his chief Pohl, Grawitz as Chief of the Medical Staff and Mueller of the RSHA. There were, however, a large number of people belonging to these categories who were in no way connected with such crimes. It was discovered on investigation that some commanders of concentration camps did their best to maintain order and that moreover this was true of medical officers and members of the commanding staffs. The number of persons actually involved in the crimes within these groups was comparatively small.

II. Knowledge of Criminal Activitires.

1. Knowledge of activities of Einsatzgruppen Commanders.

Witness stated that the SS courts never received any orders concerning Einsatzgruppen. He knew of the existence of such organizations in Russia. If any crimes had been committed by them the investigation would have been carried out by the RSHA.

2. Crimes committed in Concentration Camps.

As stated above the SS courts began their investigations of conditions in concentration camps in 1943. They had to work step by step to overcome resistance in other quarters, especially of Pohl, head of the WVHA and of Amtsgruppe D. This also applied to Mueller of the RSHA and to Obergruppenfuehrer Grawitz of the Medical Section.

In all, 400 cases were investigated by the SS and police courts and of these, a decision was reached on 200. Five camp commanders were prosecuted, two of them being sentenced to death. In the beginning Himmler supported these investigations very actively. Pohl, Mueller and Grawitz, however, tried by every means in their power to prevent the investigations from making any progress.

In general the members of the SS could not have known how far such crimes were being committed, whether they were committed by a very small group of people or not. The reason for this was that the SS legal system had no real chance of penetrating the cloak of secrecy that enveloped the concentration camps.

In cross examination Document 645 PS, US 128 was referred to. This refers to the delivery of anti-social elements on the execution of their sentences to the Reichs Fuehrer SS to be worked to death. It applied to Jews, gypsies, Russians, Ukranians and Poles with more than three year sentences and Czechs and Germans with more than eight year sentences. It further goes on to say that in consideration of the intended solution of the Jewish problem in the East, such persons are no longer to be judged by the courts as far as punishment is concerned "but are to be dealt with by the Reichs Fuehrer SS."

Witness stated that he had no knowledge of this arrangement and had heard of it today for the first time. He had no idea that people were in fact worked to death and killed when they were no longer fit to work. It was suggested to him that the highest SS and judicial authorities in Germany were making this arrangement and that it was very odd that he knew nothing about it. The witness answered that such things could only have taken place within the sphere of administration of concentration camps and that he had already testified that it was impossible to penetrate the cloak of secrecy surrounding them.

He agreed that men who were guarding concentration camps were SS men. Asked why he did not ask these SS men what was going on, he stated hedid speak to some of the guards. He was,however, never permitted to speak to the commandant and the guards never mentioned any atrocities. He said that the reports that were received by the SS and police courts were very carefully and expertly drawn up. They mentioned ill treatment that had been punished in the

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camps and as a result nothing illegal or criminal was suspected. There was, however, a case in Buchenwald where it was found that the witnesses who testified that victims had been shot while trying to escape, had been supplied by the Commandant Schleicher himself and that everything the witnesses were saying was on his orders.

Witness said he had not examined any of the death books of the concentration camps. Witness denied ever having heard of murders committed by the SS in concentration camps as early as 1933 and 1934.

3. The Roehm Putsch.

It was submitted to the witness that the commission had already heard evidence that shootings had been carried out by SS men on the 30th of June 1934. Witness said he agreed that these events were appalling as Himmler had stated himself. He denied that the SS had a hand in carrying out the execution of the Putsch and said they were stationed in their barracks all the time.

4. Slave Labor.

Witness denied that he knew anything of the deportation of children and old people to be collected and employed in special camps. Referred to Document 744 PS, US 445, which refers to this activity, the witness stated that he did not remember any such letter of Himmler to the Headquarters SS court. Even if this were so, he did not mean that the court had any connection with it. He said he was unable to comment on this letter with respect to its relation to international law since he did not know the contents.

5. The AFFEN-SS, SD, GESTAPO, RSHA and ALLGEMEINE SS were one unit.

In answer to the Prosecution, witness stated that all the above organizations were perfectly distinct branches. He denied that Himmler's statement that the various units under his command were "one block, one body and one organization" would indicate that each department must have known what the other was doing.

III. Evidence of Voluntary or Compulsory Membership.

Resignation from the WAFFEN-SS was impossible and was compulsory service as in the case of service in other branches of the Army. This applied to those who originally entered as volunteers and after the war their service became compulsory and they could not resign. Any violation or breach of this relationship would have been regarded as a serious crime even amounting to treason. It would have been punished by a death sentence.

SUMMARIZED BY: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

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MSgt Alexander

SUMMARY OF EVIDENCE OF HANS REINHARDT,

WITNESS FOR THE HIGH COMMAND, TAKEN BEFORE

A COMMISSION ON

22 JUNE 1946 TRANSCRIPT PAGES 1626-1638
24 JUNE 1946 TRANSCRIPT PAGES 1678-1738
25 JUNE 1946 TRANSCRIPT PAGES 1779-1788

SUBJECT:
1. The Military Leaders did not Agree with the Aims of the NSDAP.
2. They Took no Part in the Preparation for Aggressive War.
3. There was no Conspiracy or Participation in Crimes as Given in Article 6.
4. It was Impossible to Resign or to Alter the System.

Witness joined the General Staff during the First World War in 1916 and remained until the end of the war. He then alternated between General Staff duty and duty with the troops. From 1927 to 1931, he taught in the training course for assistant leaders. From 1933 to 1937, he was chief of the Army Training Section in the Supreme Command of the Army. During the Polish campaign he was commander of the 4th Pz. Tank Division. In March of 1942 he became commander of the 3rd Pz. Tank Army, and on 16 August 1944 he was made commanding officer of Army Group Center, in which post he remained until deposed in January 1945.

I. Activities Relating to Article 6 of the Charter

1. Denial that Army Leaders Planned for Aggressive War

While the witness was in supreme command of the Army Training Section and at later times, he had no acquaintance whatsoever with any unified aggressive plans of the Fuehrer. There was no change in the methods of army training after the conferences which Hitler had with his military leaders in November 1937. Witness was then commander of a rifle brigade in the 1st Tank Division and he noticed no change in the army training course. (P. 1628).

The goal of the army at that time was the creation of a Wehrmacht for the protection of the Reich. The officers' corps was convinced that this was the reason for the increase in the army. (P. 1628). (Pp. 1706; 1725)

Officers of the army felt that the Treaty of Versailles was an unconscionable burden upon Germany which had to be shifted. They had not in mind, however, any resort to war for the accomplishment of this relief. Many of them remembered the horrors of the First World War and also they had ample proof of the power of surrounding countries and the weakness of Germany. (P. 1631). (P. 1706).

Witness did not agree with the attitude of General Blaskowitz, as expressed in USA Exhibit No. 537, that the question of the Polish Corridor had to be solved if necessary by war. He did agree that solution of the problem was necessary but he was convinced that anyone who had experienced a world war on two fronts would never again risk such a war. Therefore, the officers were hopeful of a peaceable solution. (P. 1631).

Witness never took part in any conferences which concerned Hitler's decisions regarding such matters as the League of Nations, the Rhineland occupation and the declaration of the sovereignty of the army. He was informed of the action taken with respect to the withdrawal from the League of Nations through a normal publicity service. With respect to the occupa-

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tion of the Rhineland, he first learnt of this at a meeting of the section chiefs of the General Staff, at which the chief of the General Staff announced that two hours previously the first German troops marched across the Rhine. (P. 1632).

During his term as chief of the training program of the army (1933 to 1937), there was no special emphasis placed on tactics of aggression. The army adopted as its slogan "The struggle of the minority against superior forces". The army was instructed on delaying tactics and in holding and counter measures. Any over-emphasis on training in offensive tactics would have been unwise because the army training school was attended by many foreign officers. (P. 1633-1634).

In the fall of 1938 the Tank Division which the witness commanded was in no wise ready for war. It was short-handed, ill-equipped and ill-trained. A part of his Division had taken part in the Czech invasion and it was an extremely fortunate thing that no action was necessary. After this campaign and prior to the Polish campaign, no specific organizational goal was set for the witness' Division. The order for participation in the Polish campaign came as a distinct surprise. In this campaign also the Division was far short of its full strength. (Pp. 1634-1635).

Officers and men alike believed that a solution of the Polish Corridor problem was necessary. There was much bitterness over violent measures against German nationals in Poland, but no one expected war with Poland. There was expectation that the situation would be solved without bloodshed and in a manner similar to the solution of the Austrian and Czech questions. (P. 1636).

On cross-examination, witness testified that he believed that the very best benefit that Hitler brought to Germany was the creation of a powerful and efficient army. (P. 1706).

Witness also acknowledged that he supported the theory of Lebensraum, insofar as it advocated the enlargement of the area of the country according to the number of people, so that they might be able to assist and feed themselves. He expressed his approval of the popular desire in Germany to re-acquire German colonies and to get back German areas in the East. (Pp. 1711-1712).

Witness believed that discussions which aimed at a recovery of old German areas and colonies had a better chance for success if there was a strong army to back them up. However, it was not until war actually started in Poland that he first realized that the Fuehrer was willing to use force if discussion failed. (P. 1712).

2. Organizational Set-Up of the High Military Leaders

The witness criticized the chart contained in affidavit # 1 (USA 531), sworn to by General Halder, which purported to state the formation and composition of the General Staff and High Command. The chart was incorrect insofar as it showed Keitel as having jurisdiction over the three branches of the army. In reality, these three branches were under the immediate command of the Fuehrer. The witness also disagreed that the final sentence of General Halder that the military leaders set forth in the chart represented the actual General Staff and supreme leadership of the German army. He stated that the General Staff consisted of the leadership assistants and their respective commanders. The chart contained in affidavit # 2 (USA 532), signed by Field Marshal von Brauchitsch, contained the same mistake. (Pp. 1703, 1704 & 1705).

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3. Freedom of Military Commanders from Politics

At the training school for assistant leaders, political lectures were given by such men as Goebbels, Hess and Hoenfeldt. In addition, members of the Government Party gave talks to the War Ministry. Witness remembered that Goering, Goebbels, Himmler, Hess, Mrs. Scheltzkink (Reich woman leader) and Rosenberg were among these speakers. The purpose of these lectures was to promote general education so that a correct judgment could be made of major happenings. It was not the purpose of these talks to give any special political training because the army was not political. (Pp. 1634; 1710-1711).

The lectures at the War Ministry were attended by employees of the Ministry of War and by all kinds of military officers as well as by members of the General Staff. These lectures were very well received by the people because they were given by prominent persons and by learned men such as professors at the university. (Pp. 1735-1736).

4. Relationship Between the Army and the Nazi Party and Nazi Party Organizations

The aims of the army were in no way influenced by the Party. It was true that the Party put some pressure on the army to work. (P. 1629).

The Wehrmacht and the SA were entirely separate organizations. The SS and the SA were not military in character but in the time of Roehm, it was true that the SA was aspiring to become an army in its own right. For this reason, General von Fritsch rejected any military training for the SA. (P. 1629).

General von Fritsch believed that the order of Field Marshal von Blomberg to put army installations and areas at the disposal of SS battalions was an interference with the competency of the army. Time showed that von Fritsch was correct in this attitude. (P. 1629).

The relationship between the army and the Party was not always without friction. There were incidents between army commanders and party leaders in various garrisons, and some of the older military commanders were not sparing in their criticism of the party. However, in general the military leaders backed up Hitler in his extraordinary successes in bringing Germany out of her misery, both politically and economically. (P. 1630).

During the first period of the Nazi rise to power, the military leaders were inclined to excuse the various acts of violence and prosecutions against law as characteristic of any revolution, but later on they were unable to explain abuses of power in this fashion. (Pp. 1630-1631).

In March 1942, the witness was in command of the 3rd Tank Army. There was an SD Commando detachment which was connected with this army only in an administrative and economic sense, that is to say, this outfit drew rations and quarters from the army. As far as the activities of these SD Commando groups were concerned, only the Reichsfuehrer SS had jurisdiction over them. The witness flatly contradicted statements of SS Fuehrer Ohlendorff that these SD groups were subordinate to the military commanders in every possible way. As an army commander, the witness was unacquainted with the orders of any SD Commando outfit. (Pp. 1636-1637).

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5. Nature of Military Commanders' Allegiance to the Head of the State

The witness testified that he considered discipline and obedience more important than anything else in a soldier, and completely necessary to any army in any country. However, the training of the German officer was that obedience should extend only as far as it required the performance of legal duties. The application of this rule to the individual case was difficult in Germany because all orders by Hitler were legal in the technical sense and because international law left many doubts and loopholes. (P. 1699).

With respect to orders which were of doubtful validity in the light of international law, the high military leaders derived much help from the order of von Brauchitsch which said that the discipline of the soldier was to be placed above everything. It was on the basis that the discipline of the troops required it that the witness justified his refusal to obey such orders as would lead the actions of the German army into conflict with the directives of international law. All German high commanders had to carry out severe struggles concerning obedience, duty and responsibility. (P. 1700).

Witness made many objections, both oral and written, but he had to adhere to official channels and send his complaints through the commander in chief of his army group. He had no opportunity of direct contact with the OKH or with the Fuehrer. Sometimes his suggestions were successful, but more often than not they were rejected. (P. 1700).

On cross-examination, the witness admitted that it was during the anti-Jewish activities in the fall of 1938 that he first realized that the Fuehrer might issue criminal orders. However, it was not until the military leaders received the Commissar Decree that he was confronted with the necessity of choosing between an order on the one hand and an obligation, which was higher than an order, on the other. It was pointed out to the witness that Reich Military Law 64 authorized a refusal of criminal orders. (P. 1713).

6. Denial of Violations of the Rules of War

a. Anti-Partisan Warfare

Prior to 1942 the witness had little to do with anti-partisan warfare, but in the summer of 1942 partisan warfare increased, and in January 1943 witness took over the area north-east of Vitebsk which was completely filled with partisans. These partisans were in constant liaison with the Russian units.

At this time and in this sector, witness had to carry out many anti-partisan actions in order to protect his lines of supply and communications. The partisans fought in total disregard of the rules of warfare and humanity. German soldiers were tortured and mutilated. (Pp. 1679-1680).

In combating these partisan groups, hard and relentless fighting was necessary. However, neither the witness nor any of his commanders used this warfare as a means of exterminating Jews or Slavs. Their only purpose was to protect the security of the army. (Pp. 1680-1681).

With regard to the statement of General Heusinger in affidavit # 20 (USA 564), that the methods of anti-partisan warfare gave the high military leaders an opportunity to carry out systematic reduction in the Slavs and Jews, the witness testified that it was the policy of his command to live in harmony with the civilian population and that he and his soldiers had no interest in the destruction of the Slavs or Jews. (P. 1681).

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On cross-examination, the witness was asked whether he had reason to know that Hitler and the politicians were interested in exterminating Jews and Slavs, and he said that he did not know about this but that if he had known of this desire on Hitler's part, he would not have joined in this program because he did not feel the same way. Witness was then asked whether some of the early abuses, which he had excused as an essential part of the revolution, did not concern the Jews and he admitted that they did.

On direct examination, witness testified that he knew of the order against the taking of prisoners but was unaware of any instructions to kill 50 to 100 partisans for every German killed. On cross-examination, the witness changed his testimony on this point by saying that he had not learnt of the order forbidding the taking of prisoners until he came to Nürnberg. (Pp. 1681; 1728).

He did not allow the order for harsh treatment of partisans and the prohibition against the taking of prisoners to influence his actions because he was primarily interested in maintaining the discipline of his troops. The best proof of his disregard of this order was the fact that large numbers of partisans were captured by his troops. (Pp. 1681-1682).

Witness defined as a partisan anyone who was found with a weapon, or a person who was found carrying out an act of sabotage. He blamed the death of any innocent persons during the anti-partisan actions on the people who organized this bandit warfare. He admitted that strict prohibitions were enforced against civilians crossing railroads or entering streets during the night hours, but he insisted that these measures were necessary for the protection of the rear lines of the German army and that they were not at all inhuman measures during a time of crisis. (P. 1683).

b. Disregard of Commissar Order

Witness received a copy of the Commissar Order while he was commanding general of the 41st Armored Corps. The witness did not agree with this order and at a meeting with General Hoeppner, the leader of his armored group, and General von Manstein, who was in charge of another armored corps in the group, it was decided that General Hoeppner would protest against the order. The protest was turned down and, after consultation with the commanders of witness' two divisions, Generals Kirchner and Landgraf, the witness directed that this order should not be carried out. Thus, the Commissar Order was disregarded in his section. (Pp. 1684-1685).

c. Denial of the Policy of Wanton Destruction

During the advance of the German troops in 1941, there was considerable evidence of a scorched earth policy having been adopted by the retreating Russians. Larger bridges, railroad facilities, and industrial establishments were destroyed. The Russians put the torch to many towns in a systematic setting of fires, and some towns were bombed by artillery. (P. 1687).

Witness did not know anything about the destruction by the Germans of the Tchaikowsky museum in the city of Klien. He did know that the situation around Klien in December 1941 was so critical that the German troops did not have a chance to concern themselves with museums. Witness knew of no order for the destruction of the museum in question. (Pp. 1688-1689).

On cross-examination, the attention of the witness was called to Hitler's order issued in December 1942 which stated that destruction should be meted out to Russian forces and that stoves in the houses should be blown up. This was USA Exhibit # 51. Witness acknowledged having heard

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of this order but said that he paid no attention to it because at that time his forces were on the attack and it was to their military advantage to preserve every means of shelter so as to help benefit his troops during the winter. (Pp. 1726-1727).

During the retreat of the army group center during the spring of 1943 there was an order requiring large-scale destruction. The witness agreed with, and carried out, this order insofar as it was necessary to destroy in order to maintain the security of the retreating army. However, he took upon himself the responsibility of disobeying the order insofar as it required the destruction of homes and shelters. Homes and shelters were destroyed only where military action during the retreat made it unavoidable. (Pp. 1688-1689).

On cross-examination, witness testified that he never heard of the orders for the destruction of Moscow and Leningrad. He pointed out that these orders could never have been effective because these cities were never captured. (P. 1730).

d. Relations with Population of Occupied Territories

Witness adopted a policy of living in amicable relations with the civilian populations of occupied areas. He arranged that the army should do small favors for the civilian population and he punished severely any violations on the part of the German soldiers against them. Freedom of religion was re-established in these Eastern territories. Propaganda was used as a means of gaining the goodwill of the populace. (Pp. 1682; 1690-1691).

e. Prisoners-of-War

Military commanders in the operational sector had nothing to do with the prisoner-of-war system. Prisoners who were captured were handed over to the competent authorities who were, in the case of the witness, the army groups. The army groups in turn handed them to prisoner collecting camps which were under the command of a special organization, with the name of which the witness was not familiar. (Pp. 1692-1693).

The use of the army group as an intermediary between the army and the prisoner collecting organizations was made necessary because of the extraordinarily large numbers of prisoners who were taken during the first battles in the East. The normal procedure was for the army which took the prisoners to turn them over directly to the organizations which had jurisdiction over the camps. (Pp. 1693-1694).

Witness was aware that many prisoners died. He explained that during an encirclement action several 100,000 prisoners could be taken within a few short days and it could be that the troops who captured them were in poorer condition than the prisoners who were captured. Other factors which contributed to a high mortality among prisoners were: first, lack of housing facilities; second, impossibility to prepare for the handling of such large masses of people; thirdly, the general poverty of the countryside; fourthly, the disruption in the transportation system; and fifthly, the half-starved condition of the prisoners even prior to capture. (P. 1695).

The witness stated that the best proof of the fact that Russian prisoners-of-war felt that they were being treated well was that when the German troops retreated, these prisoners chose to retreat with them and did not take advantage of the opportunity to escape. Some of these prisoners even fought with the Germans. (Pp. 1695-1696).

On cross-examination, an excerpt from 108-PS, dated 28 February 1942, which related to the shooting of weak and starving prisoners-of-war in front of the population, was read to the witness. He said that he did not know

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anything about this. He did, however, acknowledge that he knew of the taking of fur boots from Russian prisoners-of-war during the winter of 1941/1942. Although he himself did not issue this order, he justified it on the grounds of military necessity because the German troops were suffering from frost-bite and needed these shoes. He made the further point that the Russian soldiers in question had other shoes. (Pp. 1729; 1783).

f. The Warsaw Uprising of 1944

Witness took over army group center, in which Warsaw was located, on 16 August 1944. At this time the Warsaw uprising was already in full swing. General von dem Bach, who was in charge of the Einsatzgruppe engaged in suppressing the uprising, was not under the command of the army group with respect to the battle for Warsaw, but was under the immediate jurisdiction of the Reichsfuehrer SS. (P. 1696).

The 9th Army, which was in the witness' army group, was especially interested in the early suppression of the uprising because the Russian attack was pressing on Warsaw from the East and the army desired to use the west bank of the Weichsel for fortifications. (P. 1697).

When the witness took over command of the army group, he had already heard of atrocities committed in Warsaw by the SS Brigade Kaminsky, which consisted entirely of Russians. Kaminsky and his leaders were brought before a tribunal and shot. (P. 1697).

Witness ordered von dem Bach to bring the action to an early conclusion and he was personally active in procuring the final surrender of General Bor. Neither the witness nor his troops took part in the suppression of the Warsaw uprising.

The order for the total destruction of Warsaw was handed directly from the Reichsfuehrer SS to General von dem Bach. The witness had nothing to do with this order nor did the army or any army group have any hand in it. Rather than being interested in the destruction of the city, the witness was anxious to preserve what was left of it so that it might offer cover and shelter for his retreating troops. After the capitulation of General Bor, demolition forces under General von dem Bach set about destroying the city, but continuation of their work was soon rendered impossible by the increasing barrage from the Russian artillery. (Pp. 1698-1699).

On cross-examination, witness admitted that there were some army men engaged in the suppression of the Warsaw uprising. These were not Einsatzgruppen troops, but were troops especially assigned to General von dem Bach by the OKH. They were engineers and artillery men. These troops were not under the command of the witness nor did they come from within his district. Further questioning brought forth the testimony that although the witness was very much interested in the speedy conclusion of the uprising in order that he might use some territory held by the Warsaw rebels to stem the advance of the Russians, he did not send any of his troops to help General von dem Bach, but allowed army assistance to come from troops from a greater distance away, altogether outside his area. (P. 1719).

7. Conferences in Prison with Military Witnesses Appearing Before the Commission

Re-direct examination elicited from the witness the information that he had conferred in Nürnberg prison with other witnesses who had appeared before the Commission in defense of the High Command. At these conferences the questions asked of the respective witnesses were discussed and the answers which had been given to these questions were related. The witness testified that Field Marshal von Rundstedt, Field Marshal List, General Westfall and General von Lieb had conferred with him regarding these Commission hearings and the testimony given at them. (Pp. 1784-1785).

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II. Evidence of Voluntary or Compulsory Membership

As the war progressed, Hitler's attitude toward the generals became increasingly distrustful. One decision after another came back from him, unfavorable to their proposals. When these were received, there was nothing further the generals could do. The military leaders could not refuse responsibility because such conduct would have been unsoldierly. To have reported ill would have been cowardly and would have constituted desertion of one's soldiers who were not allowed to report ill if something did not suit them. The remaining alternative, to ask for dismissal from one's post, was not available to the high commanders because Hitler had issued express orders that he alone would decide for what length of time anyone would remain in service and under what conditions anyone would be allowed to resign. In spite of this, the witness requested his dismissal several times during his service in the East. He was not concerned with the consequences which might have resulted. However, he was decided from resigning by the statement of Field Marshal Kluege, the commander-in-chief of his army group, who told him that his resignation would probably mean the supplanting of a man who enjoyed the confidence of the troops by one who did not. (Pp. 1701-1702).

The witness cited the discharging and sentencing of General Hoeppner for failure to obey an order. Hoeppner was disgraced and his family persecuted. (P. 1702).

Witness expressed the opinion that Hitler could have been induced to resign immediately after Stalingrad, but he did not believe that at any time Hitler could have been persuaded from his opinions by any united action of the highest military leaders. (Pp. 1702-1703).

III. Knowledge of Criminal Activities

The witness had no knowledge of the mass murders with which the SD is charged except that he did hear of murders with regard to the suppression of the insurrection in the Warsaw ghetto.

Witness had no possibility of exercising influence on the activities of any SD Commando unit which was attached in an economic way to his troops. He never became familiar with what these units did. However, he was sure that within his area the SD Commandos were quite inactive because he was the sole commander there and these groups would have had nothing to do. Witness did not know anything with respect to the activities of Einsatzgruppe A which was committed to the Leningrad sector. He was there to advance with a tank group and had no time to worry about the activities of the SD to the rear.

On re-direct examination, the witness explained his absence of detailed knowledge with respect to the activities of the Einsatzgruppe of the SD, on the grounds that the SD adhered to strict secrecy with respect to its movements. He did know that the general task of the SD was to keep an eye on the political attitude and opinion of the civilian population of occupied territories.

Summarized by : J.S. CONWAY

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SUMMARY OF EVIDENCE OF

E R N S T R O D E

WITNESS FOR THE HIGH COMMAND TAKEN BEFORE

A COMMISSION ON

25 JULY 1946

SUBJECT: The witness was questioned with respect to his affidavits numbers 562 and 563 sworn to on 30 November 1945.

Witness testified that when he was interrogated, it seemed to him that the interrogating authorities were not altogether clear as to the distinction between the anti-partisan actions and the actions of the Einsatzgruppen of the SD and the Security Police. The latter could not be regarded as anti-partisan warfare. Anti-partisan units were groups of fighting men who were in action against fighting men. The witness explained this distinction to the interrogating authorities and he believed that they then understood it.

The witness had no knowledge or experience with Einsatzgruppen. When he made the statement in his affidavit that the purpose behind anti-partisan activity was the extermination of Jews, he did so in reliance on certain documents which were shown to him by the interrogators. One of these documents was a statement of Brigadefuehrer SS Stahlecker. He also saw a map of the entire area of the army group all the way north to Plaskow. He was shown a photo copy of a map from the RSHA on which there was represented the number of liquidated Jews in various towns. These deaths totaled 137,000. He was also shown a statement by former general of the police, von dem Bach, which stated that Himmler had said that there were 25 million too many Slavs.

During the interrogation, the interrogator, Captain Rapp, talked continuously of the actions of the Einsatzgruppen as anti-partisan actions, and the witness believed that it was for this reason that he (the witness) used the term "anti-partisan warfare" when he really meant "Einsatzgruppen activities". Therefore, he would now change the wording of his statement to express his belief that Einsatzgruppen activity was really a cloak for the extermination of Jews. The basis for this belief is found in documents which were shown to him by interrogating officers.

Summarized by: J.S. CONWAY

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SUMMARY OF EVIDENCE OF GRAF VON ROEDERN, WITNESS FOR

THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE

A COMMISSION ON

1 & 2 JULY '46

SUBJECT: The Auslandsorganisation of the Nazi Party

Note: Testimony of this witness should be regarded as supplementary to the evidence given before the Tribunal by Ernst Bohle, starting at p. 6447 of the English Transcript.

Witness has law degrees as referendar and also as assessor. He joined the Nazi Party on 1 April 1933. From April 1938 till the fall of 1939 he was head of the Legal Office of the Foreign Organization, and also assistant judge in the court of that Organization. In 1939 he became Ordnance Officer to General von Rundstedt, and from November 1940 till April 1942, conducted the affairs of the chief of the Foreign Organization in France. From May 1942 till February 1943 he commanded a company in the African campaign. From March 1943 till November 1944 he was personal assistant to the chief of the Foreign Organization.

I. Activities Relating to Article 6 of the Charter

1. Duties and Political Convictions of the Leaders of the Auslandsorganisation

The purpose of the Foreign Organization of the Nazi Party was the care of all Germans abroad, and the coordination of their thinking along lines of National Socialism. This organization aimed at making the Germans outside the homeland economically and politically active for the Reich. It also had the purpose of fighting the attitude of hostility against foreigners within the Reich.

Only those who possessed German passports were eligible for membership in the Foreign Organization. Germans who had acquired citizenship of another country while living abroad were ineligible.

The witness and his comrades in the Foreign Organization thought that the points of the Nazi Party program – (i) a demand for the union of all Germans; (ii) a demand for the abrogation of the peace treaties of St. Germain and Versailles; and (iii) a demand for colonies – were quite consistent with Wilson's 14 points and were in accord with the basic principles of the League of Nations.

They had no suspicion that the Nazi Party was willing to carry out a program in which violence and aggressive warfare would be an integral part but, on the contrary, thought that difficulties would be overcome by peaceful revision as had been pledged in the various speeches by Hitler.

Personnel in the Foreign Organization were acquainted with measures like Germany's leaving the League, the re-introduction of compulsory military service, and the reconstruction of the German Air Force, but they opposed the idea of a war because they remembered that Germans were always the first victims. They had no conviction that a war against Poland was being planned. Proof of this is shown in the fact that just prior to the outbreak of the war, there was a big congress of Germans abroad in the city of Graz, in which even Germans from overseas participated.

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Germans were not informed that war was a noble and useful occupation, although they were trained that it was the duty of every German to serve his country in case of war.

The leadership of the Foreign Organization was not misled by the myth of the Master Race. The chief of the Germans abroad, Gauleiter Bohle, was himself born in England and always warned against an over-estimation of German ability and a German plan for leadership.

Witness was quite young at the time of the seizure of power but he and his contemporaries considered that parliamentary democracy had been a failure in Germany. The German people desired strong leadership, not in order that they should be led into conquests by war, but that they might be able to gain relief from the economic distress that was then prevalent in Germany.

Witness was not put on notice of aggressive intentions by reason of the creation of various units of the people's militia, but believed that such preparations suited the temper of the German people which was expressed in the slogan "If you want peace, then prepare for war".

Officials of the Foreign Organization of the Party, while they were abroad, were subordinate to the chief of the mission in the particular locality. For that reason it was impossible for them to exert any influence on the conduct of the affairs of the German state abroad. Furthermore, they did not believe that the high leaders of the Nazi Party had promulgated the various laws under which they acquired great authority for the purpose of preparing and controlling the German people for the conduct of a war.

Witness and his associates were of the opinion that the destruction of the trade unions in Germany had been accomplished in order to eliminat class struggle. A united German labor front was substituted for class removal and under this system both employer and employee were merged.

The Auslandsorganisation did not exist in occupied Norway, Holland o in the occupied Russian territories. In these places work such as was accomplished by the Foreign Organization was in the hands of "working areas" of the NSDAP which were directly subordinate to the Party Chancellery. From his experience as leader of the Landesgruppen in France, witness testified that these entities were established to take ca of the civilian employees of the German Army in such matters as ration cards, clothing and so on. This was in addition to the general tasks whi all units of the Foreign Organization had. They also took care of the entertainment and comfort of the troops in their occupied territories. In no case did Landesgruppen of the Auslandsorganisation have any influen on the administration of the territory or on the employment of labor with in the occupied territory.

Reich leader Rosenberg, in charge of the Einsatzstab Rosenberg, declared that his organization was free from any Party taks and was under personal assignment from Hitler.

The Auslandsorganisation should not be confused with the Volksdeutsc which was simply the name given to the body of Germans who resided in oth countries, regardless of citizenship. These Volksdeutsche could not become members of the Auslandsorganisation unless they had retained their German citizenship.

Although the leaders of the Auslandsorganisation were given ranks equivalent to those of political leaders within the Reich, they could not truly be said to be Hoheitstraegers. For one thing they did not have an sovereign area of command.

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It was a policy of the Auslandsorganisation not to mix in other people's politics or to disturb diplomatic relations with other countries. It was because of this policy that the Auslandsorganisation did not indulge in any activities in disputed territories such as Alsace-Lorraine. Thus the Foreign Organization had refrained from association with the "illegals" in Austria, though it did establish connections with Fascist and Falange parties in Italy and Spain.

With respect to the statement in the affidavit of von Strempel that the Auslandsorganisation entertained a relationship with the German-American Bund by which directives were issued to the Bund as to organizational structure, propaganda, and the holding of mass meetings, and that Draeger, the representative of the Foreign Department of the Party in the United States, had contact with the German-American Bund members, witness did not know of any confidential agent of the Foreign Organization named Draeger who was in North America. Witness assumed that von Strempel referred to the German Consul in New York, Dr. Draeger. Furthermore, von Strempel did not become First Secretary of the Legation in Washington until 1938, and the events of which von Strempel speaks took place prior to that and at a time when he was in Cairo. Consul Dr. Draeger was only an honorary representative of the Auslands-organisation and he was directly under the German Ambassador in Washington, Herr Thomsen, who could have directly prohibited Draeger from continuing relations with the German-American Bund. Therefore, von Strempel's story of reports made at Thomsen's behest, calling Bohle's attention to Draeger's relationship with the Bund, was a highly improbable one.

The visit of Fritz Kuhn, leader of the German-American Bund, during the Olympiade was in no way instigated by the Auslandsorganisation.

None of the offices of the Auslandsorganisation in foreign countries had any secret radio sending or receiving facilities, although the German Embassies did have such equipment.

The Landesgruppen leaders of the Foreign Organization never transmitted military or semi-military information to the central office. If an individual German national abroad reported a military matter to the Landesgruppen leader, this man was referred to a competent military attache. It was not true, as alleged in document PS 3258 that the Auslandsorganisation continued in Holland under the name of the Reichsdeutsche Gemeinschaft (Citizenship Association) under the leadership of Dr. Butting. This was simply a non-secret association open to all Germans, which was led by an Ortsgruppen leader of the Auslandsorganisation. When, in 1936, the Landesgruppen was prohibited, the former leaders of the Auslandsorganisation remained in Holland, with the knowledge of the Government, as the leaders of this Reichsdeutsche Gemeinschaft. With respect to the charge that Dr. Butting had cooperated with the Espionage Service in Holland, witness testified that Dr. Bohle had repeatedly asked that political leaders should not be used for counter-intelligence work and that he had an arrangement with Canaris and Schellenberg, by which those who had, or would in the future, take part in counter-intelligence work would be dismissed from the political service.

On cross-examination, the witness was asked why, if the Auslands-organisation was perfectly harmless, it should have been closed down in Holland and dissolved in America under pressure, and why 9 of the Auslands-organisation representatives had been deported from England. Witness admitted that these measures were taken by the respective Governments because they were afraid that the organization would become an espionage organization. It was admitted that some members of the Auslandsorganisation were in the service of the SD and in the counter-espionage service. Further cross-examination was waived with the suggestion that the bulk of the material found in the cross-examination of Bohle was equally relevant to the testimony of this witness.

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On re-direct examination, witness emphasized the fact that the Forei Organization in Great Britain was not dissolved; that Churchill had discontinued all attacks on the Landesgruppen in England after a conference with Gauleiter Bohle in 1937; that the dissolution of the organization i the United States was not done under American pressure, but was brought about through the orders of Deputy Fuehrer Hess; and that an investigati in Switzerland resulted in the exoneration of the Auslandsorganisation fr the charge of activities contrary to Swiss law, and that the organization was allowed to stay in neutral countries, such as Switzerland and Portuga

On re-cross-examination, witness reiterated that Dr. Butting , lead of the Auslandsorganisation in Holland, was allowed to remain as leader o the Reichsdeutsche Gemeinschaft with the knowledge of the Dutch Governme after the Auslandsorganisation had been dissolved. In his internal relationship he continued to carry the title of Landesgruppenleiter, but on the outside he acted as leader of the Reichsdeutsche Gemeinschaft.

2. Attitude on the Jewish Question

The treatment of the Jewish problem within the Foreign Organization was radically different from that generally exercised within the Reich. Germans abroad had a different attitude towards the Jews and feared to carry out anti-Jewish measures because they had felt the strength of anti German boycotts, such as those in the United States in 1933 and 1934, and the boycott which followed the demonstrations of November 9/10 of 1938.

The Auslandsorganisation never received any orders to destroy synagogues or persecute the Jews. On the contrary, after the excesses of 9/10 November 1938, this Department received numerous protesting communications from foreign countries, and Gauleiter Bohle, on instructions from Reich Marshal Goering, made a report on the damage which was being done to the welfare of Germans abroad.

3. Relationship with the Church

Witness knew that a number of Party leaders were hostile to the chur but he did not know that the top leaders of the Party had decided on a complete elimination of churches and a substitution of Nazi concepts for spiritual ideals. Both the leaders of the Auslandsorganisation and Germans who lived abroad appreciated the merits of the church as a means of preservation of the German extra-territorial unity.

Bohle issued an explicit order which forbade leaders and speakers abroad to discuss the problems of the churches.

II. Evidence of Voluntary or Compulsory Membership

The political leaders of the Auslandsorganisation were not in the kind of special Party organization which one could join and from which o could resign, such as was the case with the SA.

III. Knowledge of Criminal Activities

The political leaders of the Foreign Organization knew only that th were places for the detention of the anti-social elements of the German population and for people who were politically hostile towards the state. They knew nothing of the particular events at these camps.

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In 1943, a delegation of Foreign Organization leaders visited the concentration camp at Sachsenhausen. This visit was for the purpose of investigating reports of atrocities which had been so widely circulated by enemy propaganda that Germans living abroad were beginning to believe them. Witness did not go on this inspection tour but he remembered that all the group leaders who did go returned in a much happier frame of mind and were convinced that the reports were completely untrue.

Witness, as personal Referent to Gauleiter Bohle, was well aware of the prohibition which extended even to Gauleiters against listening to foreign radio broadcasts.

State leaders were always able to convincingly answer rumors with respect to atrocities by calling attention to the fact that after the last war the enemy powers admitted that they had invented such stories regarding the behavior of the Germans.

Summarized by: J.S. CONWAY

H1095 – 0025

SUMMARY OF EVIDENCE OF HANS ROESSNER

WITNESS FOR THE SD ORGANIZATION TAKEN

BEFORE A COMMISSION ON THE 4TH and 5TH

OF JULY 1946

TRANSCRIPT PAGES _____

SUBJECT: The SD did not commit crimes against Peace or crimes against Humanity.

The evidence of the witness has particular reference to Group III C of the SD and to the attitude of the SD towards the Church.

Witness was with the SD from 1934 and was in the section that dealt with science, education and religion. He was in Group III C of Amt 3 of the RSHA.

I. Activities relating to Article 6 of the Charter.

1. Structure and Functions of Group III C of the SD.

This department was divided into six sections dealing with the following subjects: Universities, education and religion, culture and art, press and radio, culture in occupied territories, and documents. Its function was to correct "misdirected culture". Public opinion and criticisms in the spheres of science and religion were investigated and reported on. Constructive suggestions were also made. Witness denied that the group was aware of any conspiracy to carry out crimes under Article 6 of the Charter.

2. Universities.

The section dealing with universities advised on the appointment of professors and lecturers. Witness denied that people who might be in opposition to a policy of alleged crime were not selected.

An essay by one Dr. Ritter was introduced, entitled "The German Professor in the Third Reich". The Prosecution objected to this document but the Commissioner allowed certain passages to be read. Dr. Ritter was a professor at Freiberg and a convinced anti-Nazi. He states in his essay that the SD were aware of his anti-Nazi attitude and that of the whole university. No action, however, was taken by them as a result of their investigation. The SD did not interfere in politics.

The witness explained that the general system with regard to the appointment of University professors and lecturers was for the Reichs Education Ministry to apply to the SD for information concerning the individual. The report on the individual, however, was only a "general appreciation".

3. The SD and the Church.

The witness denied that the SD took any part in the persecution of the Church. Group III C dealt exclusively with problems of religious life among Germans in general. It also reported on education and the reaction of the people to the "philosophical views of the party". The basic principles on which the work of the SD was based were well known to everybody. The reference of the Prosecution to the tasks of the so-called church section of the SD is quite incorrect. There was no special instruction to the SD to destroy all the confession churches while "Germany is struggling for its life". Amt 3 of the SD was only concerned with intelligence on religious questions and took up no special attitude towards these questions. The reports issued by the SD

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on the church did not result in any measures against the Church and these reports were not directed towards its persecution.

In cross examination by the French Prosecution, reference was made to USSR 185, USA 510. This is a decree which states "The Security Police and the SD study of church policies". There is also a reference in this document to "the intelligence of enemies". The witness agreed that as in the case of universities the SD reported on hostile attitudes of the population. He agreed that according to [illegible]ee mentioned above there were cases in which SD church specialists were transferred from the SD to the GESTAPO. He denied, however, that the GESTAPO cooperated with the SD in this respect.

4. The SD did not cooperate with the GESTAPO concerning church problems.

Witness was asked by the counsel for the defense whether before the period when the functions of Amts 3 and 4 of the RSHA were separated there was any common purpose between the GESTAPO and the SD for the purpose of persecuting the church. He stated that according to his knowledge there was never at any time a common purpose between these two organizations by way of intelligence or any other task. Amt 4 of the GESTAPO had an independent office dealing with church problems. As mentioned above there were a number of SD personnel transferred to the GESTAPO offices but these were only very small in number and dealt with other matters besides church problems.

Witness stated that he agreed that a quantity of records and reports on church problems were sent to the GESTAPO offices from the SD but this did not mean that the SD was assisting the GESTAPO to oppose or persecute the church. The SD was not responsible for supervision of the church but merely to issue general reports. After the creation of Amt 3 of the RSHA the GESTAPO never made use of the SD and in fact such action would have been prohibited. In any case, stated the witness, the intelligence service of Amt 3 was completely useless for the police work of the kind carried out by the GESTAPO.

The Chief of the Security Police in the SD as the highest authority had no influence on the religious questions dealt with in Amt 3. This was the responsibility of the Chief of Amt 3.

In cross examination an extract was read from the National Socialist Year Book of 1941 in which it is stated that the SD was a political intelligence service created in accordance with the principles of "racial and ideological selection as required by the SS. It became the real security service for the SS, the Party and the Reich."

The description goes on to the effect that part of the duties of the SD were to watch for any changes in the manner of working and attacks of the enemy and protect the people against any kind of sedition. The SD worked in cooperation with the Chief of the security police, members of which service also had a duty to investigation and fight against any national hostile intention.

Witness stated that according to his knowledge the only thing that was correct in this paragraph was that Heydrich was simultaneiously Chief of the Security Police and SD. The rest of the information was either wrong or already out of date. The function of Amt 3 was to observe and report on criticisms of the church-going population on measures about the party, not in order to show that the church-going population was in political opposition to the party, but in order to supervise the "religious needs of the population from the point of view of the party".

5. The SD did not cooperate with the party to persecute the Church.

The SD was in agreement with the basic principles of National Socialism. Hitler had repeatedly stated that he did not have any desire to

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be a "religious prophet" and Rosenberg had stated publicly that religion was a private affair. The hostile attitude of Bormann towards the church could not be considered as the real view of the party.

Defense Counsel submitted Document R-101, dealing with the exploitation of church property to the Ministries. Witness denied that the SD participated in such measures. He also said that the SD were prohibited by the decree of 12 May 1941, which transferred church matters to Amt 4, from carrying out the prosecution of the National Czech Church as referred to in Document 1538, a report dated the 17th of February 1936, presented by the Russian Prosecution.

He further denied that the persecution ofPolish priests referred to in Page 5139 of the German transcript as a report of the Polish Government was the concern of the SD.

In cross examination further reference was made to the National Socialist Year Book of 1941 which contains a statement of the official attitude of the party towards the church. The following quotation was read: "We demand freedom of religion for all religious denominations within the State as long as they do not endanger its existence or oppose the moral sense of the Germanic race".

Asked whether he knew that much opposition to National Socialism came from religious groups, witness said that he was not sure that such groups were basically opposed to the party but represented different views in regard to church and religion. This did not mean a general rejection of National Socialism because by far the larger part of the party members were also church members. He said that Bormann's attitude towards the church was rejected by a large part of the party and that he was frequently attacked for it. Bormann did not succeed with his policy because in 1942 90% of the members of the party were members of the Church and statistics show that 80% of the SS were church members.

In further cross examination witness was shown Document R-142, USA 487. This document, stated the Prosecution, shows that the SD at Coblenz invaded the security of the plebescite in 1938. The following passage was quoted: "The high percentage of opposition has as its reason in nearly all cases the religious attitude of the population irrespective of whether they are Catholics or Protestants". In answer to the question as to whether this did not show that the SD was interested in politics, witness replied that his testimony referred only to Amt III which did not come into existance until September, 1939.

6. The SD did not confiscate public or church property.

Defense Counsel referred to the GESTAPO and SD trial brief, page 51 of the German translation. Witness said that Department III C5 referred to dealt with cultural problems from the occupied territories by way of an intelligence service. As an example the witness cited the employment of German scientists in occupied Western territory who studied the national peculiarities of the different races. The SD did not participate in confiscating property of Jews or Communist officials nor did it have the right to do so. It did not confiscate religious, scientific or objects of art.

Witness further explained Document PS 071 which also refers to confiscation and stated that the term SD was frequently confused with the Security Police. The SD was not a police force and took no police measures. Defense Counsel stated that on the 18th of December 1945 the Prosecution had alleged that the SD and the SS shared the responsibility for public and private looting. This was denied by the witness.

Witness further denied the connection between the SD and documents PS 137, USSR 41, referring to the confiscation of art treasures in western occupied territory in Russia. In answer to the Russian Prosecution, witness stated that he had never received a report which described the

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destruction of Russian art treasurers or monuments by the Germans. The Russian Prosecutor read from Page 2 of Document USSR 12 a memorandum by General von Reichenau, dated the 10th of October 1941. The document refers to the behavior of German troops in Estonia. Counsel quoted the sentence: "Neither historical nor artistic considerations play a part here in the Eastern area." Witness had never heard of this statement.

He did not know of cooperation between the SS and the Einsatzstab Rosenberg. The SD received no reports on it.

7. Functions of Section III C6 of Amt 3.

This office dealt with publications and had to submit any publications to the various experts working in the office. It made summaries and reports on various "intellectual problems". Witness denied that books by Professor Ritter, which contained veiled but hostile references to National Socialism, were sent to the GESTAPO. This would not have been part of the policy of the SD.

In conclusion witness statedthat the function of his department was to make reports of all developments in public opinion and criticisms by the population. The SD frequently found itself in sharp and openly avowed opposition to many high authorities in the party.

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1095-0029

SUMMARY OF EVIDENCE OF HANS ROETTIGER

WITNESS FOR THE GENERAL STAFF

TAKEN BEFORE A COMMISSION ON 27 JULY 1946

TRANSCRIPT PAGES _____

SUBJECT: Cross-Examination of the Witness, with respect to the subject matter contained in his Affidavit #15, U.S. 559, and Affidavit #16, U.S. 560.

Witness was Chief of the General Staff of the Fourth Army which was under the command of General Heinrici.

Counsel for the High Command first questioned the witness with respect to the following statement in the first paragraph of Affidavit #15: "During such operations and this means operations against Partisans troops were ordered by the highest authority, for instance, by the O.K.H., to employ the severest methods." The witness testified that by the words "severest methods" he meant the methods employed in military warfare to their severest degree. He did not have any reference to methods which were contrary to international law.

With respect to the statement in the second paragraph of Affidavit #15: "In the beginning, in accordance with instructions which came to us through channels from the Army group, prisoners were taken only in exceptional cases." the witness testified that his statement referred to a period of time after the Fall of 1942. He did not mean to imply that prisoners were killed after their capture but that, in cases where Partisans did not surrender, the severe methods of warfare which were employed against them were such that most of them were annihilated with the result that very few prisoners were taken.

The attention of the witness was called to a statement in the third paragraph of his affidavit, to wit: "The enemy dead mentioned in official reports were very numerous in comparison with our own dead." He stated that it was possible that some of this disproportion was due to the practice of giving exaggerated reports of enemy dead. He made this statement on the basis of various reports which he had seen. He reiterated that he did not mean to say, or have his statement understood as saying, that orders were issued by higher authority to execute prisoners and that it was for this reason that enemy dead were much more numerous than German dead in Partisan activities.

The witness was questioned with respect to the following statement in the last paragraph of Affidavit #15: "This is one of the reasons which have now brought me to the realization that the real purpose of the counter-Partisan warfare which we conducted was to use these military operations of the Army, so as to make possible the ruthless liquidation of Jewry and the other undesired elements." He testified that prior to giving this statement he was shown the minutes of a meeting which took place under the chairmanship of Hitler himself. He did not recall having been shown any orders. It was on the basis of these documents, which were entirely new to the witness, that he arrived at the conclusion that the actual goal of Partisan warfare was the liquidation of Jewry and other undesirable elements. The witness was careful to emphasize the fact that soldiers in battle and their military leaders did not know anything about these intentions. He believed that this was the idea of Hitler himself, and he testified that he had never seen a written order or heard an oral order in this matter.

The following statement from the second paragraph of Affidavit #15 was read to the witness: "In accordance with orders, Jews, political commissars and agents were handed over to the SD for special treatment."

He testified that at the time the people were handed over to the SD he and his associates thought that they would be punished in accordance with their offenses. They believed that there would be an investigation and a trial with respect to these cases because they remembered that some German soldiers who had been turned over to the SD after the passage of death sentence by the court were later pardoned and the SD used them for labor service.

With respect to the first sentence in Affidavit #16: "During my period of service in 1942-1943, as Chief of Staff of the Fourth Army of the Central Army Group, SD units were attached in the beginning, apparently for the purpose of counter-intelligence activity in front line areas." The witness testified that by the word "attached" he meant that the SD units were only formally connected with the Fourth Army for the purpose of procuring supplies. He testified that with reference to the word "supposedly" the SD did, in fact, carry out counter-intelligence actions.

The attention of the witness was called to his statement that after a complaint by Field Marshal von Kluge these units were pulled back from the front line area. He admitted that the Army had no authority to issue orders to these units but stated that Field Marshal von Kluge had enough influence to have the units withdrawn.

The witness was questioned with respect to a statement in his Affidavit #16, which reads as follows: "The reason for this first and foremost was that the excesses of the SD units by way of execution of Jews and other persons assumed such proportions as to threaten the security of the Army in its combat areas because of the aroused civilian populace." The witness testified that this occurred later and that the English copy and the German copy should be conformed to the German original of this affidavit which had been presented to that Tribunal so that on the copies the word "later" should be inserted. The sentence would then begin "It became clear later..."

Witness testified that his commander-in-chief asked for the removal of the SD in March or April, 1943. At that time he received reports that the SD in some villages were carrying out arrests and had been shooting individual Jews. The reports to which he referred did not mention mass executions but single executions. He was uncertain as to the number of incidents but stated that his best recollection was that there had been 50 to 75 arrests, deportations and possible shootings. The Counsel for the High Command told the witness that his commanding general had stated that a number of arrests and only one execution had been made and that he had asked for the recall of the SD unit after the witness had informed him of one shooting. The Commission forbade any further discussion of this subject on the ground that the witness had testified that his total included arrests, deportations and shootings, if any.

The last sentence of the witness in Affidavit #16 was read to him: "Although in general the special tasks of the SD units were well known and appeared to be carried out with the knowledge of the highest military authorities, we opposed these methods as far as possible, because of the danger which existed for our troops." He testified that by this statement he meant that the group within the High Command, which had to concern itself with the particular question of SD activity, was acquainted with the counter-intelligence work of the SD. He did not mean that this group had any knowledge of mass executions. The reference to "highest military authorities" was intended to refer to Hitler alone.

In conclusion, the witness testified that he did not draft the affidavits himself but that they were presented to him after various discussions.

Examination of the witness by the Prosecuting Attorney brought

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out the fact that these affidavits were extracts or condensations of longer discussions. He stated that it was true that it later became apparent to him and his commanding officer that people whom they thought were only being used for counter-intelligence work were actually used for quite different work. It was for this reason that they tried to get rid of these people. The witness was asked when he found out that the alleged counter-intelligence groups constituted a murder clique and he replied: "We heard of these cases at the end of March and beginning of April, 1943."

Summarized by:

J. S. CONWAY

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H1095-0032

SUMMARY OF EVIDENCE OF KURT VON RUNDSTEDT

WITNESS FOR THE GENERAL STAFF

TAKEN BEFORE A COMMISSION ON

18 JUNE 1946 TRANSCRIPT PAGES 1332 TO 1341

19 JUNE 1946 TRANSCRIPT PAGES 1342 TO 1394

20 JUNE 1946 TRANSCRIPT PAGES 1484 TO 1531

SUBJECT:

1. The military leaders did not form a group.
2. The military leaders did not participate in the conspiracy leading to aggressive war.
3. The military leaders did not have any influence on the decisions of the political leaders.
4. The military leaders did not participate in any crimes under Article 6 of the Charter and did not indulge in or condone criminal methods.

There was no review of the witness' military career. He stated that his last position in the German Army was General Field Marshal and Commander-in-Chief West until March 1945 and that he is now an English prisoner of war. (p. 1332)

I. Activities Relating to Article 6 of the Charter

1. Whether military leaders constituted a group

There was never a unified group among the highest military leaders for the purpose of aiding a conspiracy to bring about aggressive war. With the possible exception of Japan, the witness did not know of any nation where a military clique was an important power. The generals were ordered and they obeyed. (p. 1333)

The witness never attended any meeting of the military leaders at which any type of conspiracy was planned. He was certain that no such conference ever took place. Whenever the twelve commanding generals (two commanding generals, a commander-in-chief, and the commanding generals of seven divisions and three cavalry divisions) met, it was only to discuss training questions and not political ideas. Soldier officers had no official part in politics and they did not meddle in politics. An officer did what he was told. On any other basis an Army and the country could not exist. (p. 1334)

On cross examination the witness was questioned with respect to the meeting at Obersalzburg on 22 August 1939 prior to the attack on Poland. He stated that those present were the various field officers who were supposed to be in charge of the Eastern Campaign; that they were there in more or less prominent jobs; that any Army group commander that might have been designated for the job would have been present or, if he were sick, his deputy would have represented him at the meeting. (pp. 1487, 1488)

The planning concerning the Polish Campaign had not been worked out by those who attended the meeting referred to above but by General von Brauchitsch and General von Reichenau. The rest of those who attended received their instructions but only with respect to sectors in which they would be interested. (p. 1488)

The witness was questioned on cross examination with respect

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to the Barbarossa meeting just prior to the attack on Russia, which was the second conference of the high military leaders. He reiterated that again it was a case of briefing of the commanders. The Prosecuting Attorney expressed amazement that a German General Staff Officer could have descended from his former high position to that of a puppet-like receiver of orders. The witness answered that it was the same in the days of Kaiser, who worked through the Chief of Staff down to the various commanders, whereas Hitler worked through the Supreme Commander of the Army but the witness admitted that the Kaiser never would have given direct orders to the regular Army, which was something that Hitler did at a later time when he personally took over command of the Army. (p. 1492)

The witness stated that Hitler made political statements every time that he issued orders to the General Staff but that the generals had no chance to check on the statements or to scrutinize them closely. These were just statements of conclusions and no opportunity was given to the generals to state their own opinions. (p. 1493)

2. Freedom of military commanders from politics and nature of allegiance owed to the Leader of the State

Witness stated that it was necessary in order to maintain a well disciplined Army and a protected country that generals remain free of politics. On cross examination he testified that he was of the opinion that a general is responsible for his doings before God and his fatherland. A soldier gave his oath to his country irrespective of who was head of the country and irrespective of political reasons. He quoted with approval the axiom "right or wrong my country." The burden of decision in affairs of state belonged to the leader of the State and was no part of the general's burden. Thus the witness had no use for the racial theory proclaimed by Hitler and his only subscription to the theory of living space was to the extent that Germany should gain back her colonies and the Polish Corridor, but he felt that these matters were not his professional concern. (pp. 1334, 1380 to 1382)

The witness was asked whether he agreed with Defendant Schacht that since Hitler broke his oath to the people when he attacked Czechoslovakia that the people owed no duty to keep their allegiance to Hitler. Witness stated that he did not believe Hitler gave any oath in that connection and he was reminded by the Prosecutor of the fact that Hitler swore that he had no further territorial aims. Witness answered that he was just a soldier and because someone else is a scoundrel, it does not follow that everyone has to be one also. He was asked what his attitude would be towards a scoundrel who was his superior and he refused to answer the question. (pp. 1382, 1383)

The witness disagreed with many orders of Hitler, among them the order for the Stalingrad Campaign, which he thought was pure insanity, but he felt that he had to follow Hitler anyway, although it became very difficult. (p. 1383)

Witness was asked how he could with honor, serve a leader under whose regime generals like Schleicher were murdered and military men of the high standing of the witness himself were threatened with attack (during the Roehm Putsch of 1934). He was also asked how he could serve a regime which dared to check up on his telephone conversations. He replied that he still put his faith in von Hindenburg. His attention was called to the senility and ineptitude of von Hindenburg at that time, and he expressed the opinion that it was beneath his dignity to bother with pigs who indulged in wire tapping. In the very next sentence he said that the wire tapping was a precautionary measure and that von Hindenburg would have laughed at any complaint made to him concerning it and that, anyway, he, the witness, was not afraid of such people. (p. 1392)

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The witness admitted that the oath which he took to Hitler differed from his prior oaths to the Kaiser, to the President of the Weimar Republic, Mr. Ever, and to Field Marshal von Hindenburg, in that the oath to Hitler was made to Hitler personally. This oath promised absolute obedience to the Leader of the German Reich and people, Adolph Hitler. He admitted that by this oath Hitler wanted to bind the Army closer to him and he believed that the reason was that Hitler remembered the Roehm Putsch, which had almost removed him from power, and he was looking for a group which would be true to him through thick and thin and that it was well known that the Army was true to its oath. (pp. 1484 to 1846)

3. Organization and growth of the Army

From 1920 until after September 1933 there were only two commanders-in-chief in the whole Reichswehr: one in Berlin for the German East and one at Kassel for the German West. The witness was Chief in Berlin for six years. (p. 1333)

In 1938 Hitler was very indignant over the fact that von Fritsch, Commander-in-Chief of the Army, had opposed his plan to increase the Army to 36 divisions. Hitler insisted upon this increase and took steps to name a new commander-in-chief. He asked the opinion of the witness as to possible successes of von Fritsch and the new witness expressed disapproval of von Reichenau and approval of von Brauchitsch. The witness shared the general impression of the higher officers of the German Army that von Reichenau was too much of a Nazi general to be qualified for Commander-in-Chief of the Army. (pp. 1342, 1343)

As late as 1939 the German Army could not be compared with the Army of 1914. Rearmament had taken place at too great a speed and, contrary to the advice of the higher leadership group, there were no trained reserves. The Army was brought to its high figure by the use of raw troops since no trained reserves were available to fill it in. There was insufficient cavalry for any operations in the East. There was a sufficient quantity of heavy arms but there was a serious shortage in experienced troops for the operation of tanks. (p. 1343)

4. Denial that Army Leaders planned for aggressive war

The aim of Army training in the pre-war period was to produce good soldiers in order to cope with internal uprisings and to defend the Nation against foreign intervention in German affairs.(p. 1335). In line with this aim the Army Training Program was primarily defensive, although a certain amount of aggressive training was incorporated so that the troops would learn the methods of counter-attack (p. 1340).

The Chief of the Higher Armed Forces had under him a staff of young officers whose duty it was to draw up plans upon the order of such political leaders as the Reich President. The individual commanders-in-chief were informed of these campaign plans only insofar as they concerned their own limited sectors and only after the plans had been approved by the Chief of the entire Armed Forces. There was no opportunity for protests or for questioning these plans. (p. 1335)

The high military leaders of Germany, in common with her political leaders and with the German people, believed that the Versailles Treaty was an unconscionable burden upon the Nation. It was their hope to bring about equality for the German people. However, they wished to achieve this equality by means of peaceful discussion and not through violence. (p. 1337)

While the Army was determined to resist any aggression against Germany, its leaders had vivid recollections of the evils of the last World War and did not want another one. (p. 1338)

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In 1935 when Hitler declared that he intended to bring up the German Army, the witness was Commander-in-Chief in Berlin. Although he occupied this high position, he was never consulted or informed of Hitler's intention to militarize but heard of the measure through hearing Hitler's speech over the radio. At that time the Ministry of War was in charge of military policy and the individual commanders received only the information which was absolutely necessary to carry on their work. (pp. 1339, 1340)

The witness first heard over the radio of the occupation of the Rhineland after it was an accomplished fact. He was then Commander-in-Chief in Berlin. Subsequently he heard of a conference which took place in February 1938 at which Hitler was very indignant that von Fritsch, Minister of War and Commander of the Army, had opposed the occupation of the Rhineland, and had advised their withdrawal because France was making threatening gestures. (p. 1342)

The witness was Commander-in-Chief of Army Group Berlin on 5 November 1937 when Hitler had a conference with the chiefs of the different armies, at which he exposed his future plans. The witness did not attend this meeting and his very good friend, General von Fritsch, never once mentioned it to him. There was no noticeable change in Army objectives after this time except that von Fritsch told him that, because of the speed with which rearmament was taking place, more emphasis should be placed on the training of the smaller Army groups. The military leaders did not look upon this as an indication of preparation for war but rather as a corollary to the rapid expansion of the Army. (p. 1345)

In the conferences which Hitler held before each campaign, at which he informed his generals of his intentions, no opportunity was given to military leaders to mitigate, moderate or change Hitler's decisions. They were allowed to make suggestions only on tactical matters. (p. 1345)

The witness learned of the invasion of Austria only after it had been accomplished. At the time of this movement he was away from Berlin on an inspection tour and had been ordered to give a memorial, such as von Brauchitsch's representative, on the twelfth anniversary of the founding of the Ivory Cross. He was not sure that he would have learned of the Austrian affair any earlier had he stayed in Berlin. (p. 1347)

The move into the Sudetenland in 1938 was opposed by General von Brauchitsch, the witness, General von Reichenau, Chief of General Staff Beck, and other military leaders. Beck wrote a memorandum which expressed the opinion of the high military men that the gaining of the Sudeten territory was too small a prize for the large risks of war. (p. 1348)

The high military leaders believed Hitler's declaration after the Munich agreement that he would not try to get the rest of Czechoslovakia and they were glad that this affair was settled. (p. 1348)

Witness remembered that Hitler had once stated that the question of the Polish Corridor was largely a matter of money and was not worth war. The witness was first apprised of the danger of war because of the corridor question in May 1939 when he was ordered to Berlin so as to be ready to take command of an Army group in case of war. (p. 1349)

The witness was shown Affidavit No. 5, General von Blaskowitz, U.S. Exhibit 537, to the effect that three questions absorbed Germany's attention: the Polish Corridor, the Saar and rural districts, and the Memel district. The affidavit also stated that the high general officers believed that the question of the Polish Corridor might one day lead to war and that 90 percent of the German people shared this opinion. The

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witness reiterated that the military leaders believed that the corridor question could be solved peacefully by monetary settlement. It was their conviction that the corridor would have to disappear. Witness conceded that General von Brauchitsch as Commander-in-Chief of Moravia, with the corridor at his front door, might have had reason for a more drastic opinion than the other German generals. (pp. 1349, 1350)

At cross examination the witness conceded that regaining of former German territory had become a question of honor for the German military leaders but he emphasized that it was his belief that this question could be solved without recourse to war. He believed that "the old gentlemen" and the Municipal Mayor of Poland, Mr. Beck, would have consented to a policy which relinquished the Polish Corridor to Germany. He was asked whether Hitler informed the military leaders that Poland could be seized in a single operation and he answered that he did think the Polish war could have been isolated and he knew that Hitler did not count on interference by the Western powers in this war. He was asked how he could have persisted in the belief that the Polish question could be settled peacefully in the face of (1) the military increase in the number of the Wehrmacht, (2) increasing propaganda concerning the Polish Corridor and the Danzig territory, and (3) the contradictory statements of Hitler to the effect that he had no further territorial ambitions. Witness answered that he believed that sufficient pressure would be exerted on Poland by reason of the Russian-German pact to induce her to part with the disputed territory. (p. 1387)

Witness was familiar with the fortification work carried out along the Eastern Front in 1938. He was responsible for a section of these fortifications. These were ordered by higher superior military officers and the front line generals considered them sensible and necessary for defense against the Poles.. (pp. 1350, 1351)

Even after Hitler's address to the military leaders at Berghof on 22 August 1939, the witness did not have an impression that war was unavoidable. At the conference itself Foreign Minister von Ribbentrop announced that he was about to fly to Moscow to meet Molotov. Impending treaty with the Russians was considered by the generals as insurance against an attack on Germany by Poland. When the generals left this conference they felt that there was going to be a repetition of the "flower war" in the Sudetenland. This impression was verified by the fact that on the eve of troop concentrations all movements suddenly stopped. This too resembled the procedure prior to the invasion of the Sudetenland. Therefore, the generals concluded that a new peace action was afoot. (pp. 1351, 1352)

The witness received his first official information of the intention to occupy Norway after the occupation had been carried out. He believed that this was in execution of Hitler's order that no officer should receive more information of any military operation than was absolutely necessary. (p. 1352)

The military leaders, generally speaking, and probably including Commander-in-Chief of the Army von Brauchitsch, opposed the idea of an offensive war in the West. They believed that they should wait until the enemy attacked and that the neutrality of Belgium and Holland should not be violated. (p. 1353)

The witness learned of Hitler's decision to invade Yugoslavia and Greece after the invasion had been accomplished. (p. 1354)

At a conference in Berlin in March 1941 Hitler informed the military leaders of his intention to attack Russia. Witness later learned that during the winter of 1940-1941 a precautionary plan had been worked out to take effect in the event of outbreak of war with Russia. The preponderance of opinion among the high military leaders in Germany was against launching an attack on Russia. The witness

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himself had spent four years in Russia during the First World War and knew her power. Hitler, however, informed the generals that he had learned through the Japanese Military Attache that the Russians were making war-like preparations. Thus this attack was presented by Hitler to the commanders as an unavoidable preventive war. (p. 1355)

When the German Army advanced into Russia, there were some indications that Hitler's statement that Russia was preparing to attack was a correct one. New airports were found near the border, many armored troop training points were found near the border, and a number of good roads led through bad territory which were uncharted on German maps. Russian military maps taken from Russian prisoners of war marked out territory far into Silesia. (pp. 1355, 1356)

On cross examination the witness expressed the opinion that the attack on Russia, in military terms, was a preventive war which meant that Germany by her attack anticipated an attack which the Russians would have made on her. (p. 1387)

On cross examination the witness admitted that the march into Czechoslovakia in 1939 was a breach of the Munich agreement and that he was of the opinion that this was an act of aggression. He was asked whether the march into Denmark and Norway was also an aggressive war and he said he was not sure but he believed it was a preventive war but that he was just a simple soldier and not a lawyer. He believed that the entry into Belgium was not an aggression because Belgian territory had already been violated by the British and that this was another question of preventive war. If the Germans had not marched, the enemy would have been in the Ruhr. (p. 1389)

Witness was asked why he referred to Denmark, Czechoslovakia and Poland as "enemy powers" when he referred to times before the war, and he replied that all of the countries around Germany were hostile, with the possible exception of Switzerland. He stated that during 1933, 1934, and 1935 the military leaders expected an attack on the part of Czechoslovakia for the regaining of Silesia. He was asked whether in fact Germany was attacked by the world or whether the contrary was true, and he stated that one side was just as guilty as the other. (p. 1390)

Witness stated that he did not participate in any secret rearmament prior to the proclamation of military sovereignty but that he had heard about improvements of armament and perfection of equipment in the Army but the details of the rearmament program were kept secret even from the military. In cross examination witness stated that the short term training program in which the Army participated could not be called rearmament. He denied any participation in or knowledge of inspections of police regiments which were simply disguised soldiers. (p. 1391)

5. Attitude of high military leaders towards Nazi Party Program and Activities

Some of the older military leaders were indifferent towards the Nazi Party and some were against the race tactics and demonstrations used by the Party. The witness did not believe that a single high military leader prior to the year 1932 was a National Socialist. Von Blomberg, who was the first of the high generals to become a Party member, made this step under pressure. The military commanders were angered by the action of the Party in involving the Infantry School in Munich in political demonstrations during the National Socialist Putsch of 1932 and in causing the Bavarian Division to desert the policy of military detachment from politics and to make threatening gestures against von Seecht's troops. (p. 1336)

The generals approved of the policy of national unity but realized that this objective was also sought by parties other than the National Socialist Party. (p. 1336)

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The generals believed that most of the National Socialist ideas which were good were ideas carried over from the old Prussian times. In addition, the Nazi Party introduced a few new ideas which were for the benefit of the people. There was general disapproval among the military leaders of the Nazi policy on the Jewish question, the racial question and other totalitarian objectives. (pp. 1336, 1337)

When Adolph Hitler, as leader of the strongest party within Germany and as the person who had received the most votes, became head of the State, it became the duty of the Army leaders to execute their legal orders. To do otherwise would have been treason. In addition to that, the Army had no power to oppose Hitler's ascendancy as Chief of the State because the Party could easily have broken any Army opposition by tying up transportation. (p. 1339)

6. Violation of the rules of war

The high commanders of the German Army were determined to fight the war in strict adherence to the accepted rules of war. They were very much surprised at Hitler's instruction, presented to them at a conference in May or June 1941, prior to the Russian Campaign, that the Commissars were not to be accorded prisoner-of-war treatment in case of capture. The generals at first supposed that Hitler would not give any orders of this kind without having been informed of international rights. The military leaders protested the Commissar order to von Brauchitsch and the latter told them that he would do his best to have this order rescinded. There was a determination which carried through all groups of military men not to carry out this order. In a short time von Brauchitsch issued a strong order requiring the waging of war according to international rights and the high commanders considered this a quiet repudiation of the Commissar order. To the best of witness' knowledge the war in the East, although very intense, was fought according to the rules of war. (pp. 1356, 1357)

Hitler left the conference room as soon as he had made the speech in which he issued instructions for the execution of Commissars, and there was no opportunity for the military leaders to protest to him in person. The witness learned that Field Marshal von Kluge made a most emphatic protest concerning this order. (p. 1357)

On cross examination the witness was shown a document containing testimony of prisoners of war given to the Red Cross in which German officers stated that before the outbreak of war they received instructions concerning the treatment and extermination of Soviet Commissars, treatment of Soviet prisoners of war and also that these German officers had themselves seen instances of such maltreatment. The witness would not comment on that document other than to say that he, as commander of an Army group, did not receive any instructions that Soviet Commissars were to be executed. (p. 1509)

The witness was a firm believer in the treatment of captured enemy soldiers according to the orders of the Geneva Convention. He had always instructed recruits to strictly adhere to the Geneva rules with respect to treatment of prisoners, regarding the Red Cross and treatment of enemy wounded. (p. 1358)

Wherever the witness commanded there were good relations between the population of the occupied territory and his Army. Any misconduct on the part of his troops was punished severely. (pp. 1358, 1359)

The witness could not remember any case in which German troops carried out reprisals against activities by the enemey which were not in accord with international rights and rules. (p. 1360)

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The Army groups had nothing to do with the prisoner-of-war system. The Army had to send any prisoners that were captured in their areas to the rear areas; hence they were transported to prisoner-of-war camps. Many prisoners of war died during the winter of 1941. There were "kettle battles" (encirclement movements) in which many prisoners were taken and in which the captured troops often were exhausted and almost out of food. Railroad conditions were poor. Shelter from the cold was not procurable, there was not enough food, and it was not possible to find shelter for all the prisoners from the severe weather. (pp. 1363, 1364)

In the early advance of the German Army into Russia very little evidence of a scorched earth policy could be noticed. It was not until the Germans reached the industrial sector of the Dnieper that the Russian method of long delayed fused dynamiting became increasingly apparent. There were comparatively few demolitions at stations and railways. (pp. 1364, 1365)

The witness denied the charge on page 13 of the German text of the Molotov note of 27 April 1942 that he (the witness) had ordered Russian prisoners of war to clear mines for the German troops. This order emanated from an Army commander and he who was then Army group commander could not have issued this order. (pp. 1365, 1366, 1503)

Witness disagrred with the statement of Rhode in Affidavit 18 U.S. 563 to the effect that concerted opposition by all field marshals against the methods of warfare which were used would have resulted in their change. The witness stated that such opposition would have given Hitler cause to replace honorable and worthy high ranking officers with SS leaders. The only effective way of opposition was the method of quiet sabotage such as was employed by the military leaders against the Commissar order. (p. 1366)

The military commander at Paris was responsible for matters of peace and order during the German occupation of France. After the occupation of hitherto unoccupied France all of the military commanders, besides Petain's office, were also held responsible. This military commander at Paris carried out his work with the police force of the SD and received his orders by means of the channel of the OKW. The witness had no authority to issue instructions to this military commander. When in the winter of 1943 and 1944 the resistance movement became more intense, Hitler also used the Commander-in-Chief West to maintain peace and order. (pp. 1367, 1368)

Hitler accused the military leaders in France of too much indulgence to the Petain Government and of unenergetic methods of suppressing the resistance movement. Hitler threatened to replace them with SS troops under the leadership of an SS commander. (p. 1368)

For a long while the witness accepted the losses of his troops due to activities of the resistance movement without reprisal. He made frequent appeals to Petain to warn his people against participating in resistance activities. Finally it became necessary to take action against the resistance movements. The witness remembered an order from Hitler which required that very severe measures should be taken by members against this resistance movement but he did not remember the exact contents of the order. (p. 1370)

In suppression activities against the resistance no planes and very few tanks were used. Artillery was seldom used and the German troops never bombarded a whole locality but confined their actions to a particular house from which the shooting was being carried on. (p. 1371)

The witness remembered a broadcast by Eisenhower in which was stated that members of the French resistance movement should be treated as regular troops. Witness transmitted this contention to the Fuehrer

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for decision and received a negative decision. He never heard of this attitude being relaxed. However, he did know that the French who had fought in southern France and advanced towards Alsace-Lorraine were recognized as having been legally recruited. The witness learned through the channels of the Vichy Government that parts of the Second SS Division in Oradour had set fire to a church in which women and children had taken refuge. This division was on the march from the southern part of France to the Normandy front at that time and had carried on a running warfare with resistance troops. Witness had requested this unit in Normandy through the OKW and it was only subordinate to him as far as battle action at the front was concerned. With respect to disciplinary measures he was as powerless in respect to this division as he was towards units of the Air Force. Witness reported the Oradour affair to the OKW and told the Commanding General, under whose command the SS Corps was, to investigate the affair. His successor, Field Marshal Kluge, again asked for information in this matter but witness did not know what the results were. (pp. 1372, 1373)

On cross examination the witness was questioned with respect to the chain of command of the SS troops which were implicated in the Oradour incident. He admitted that the order under which this outfit was marching in a northernly direction towards Normandy had emanated from him from Blaskowitz to Brodowski. (p. 1526)

Witness remembered in general instructions issued in March or April 1944 by the OKW on the order of Hitler concerning the combatting of partisan units. His attention was called to language in this order requiring the fighting and destruction of partisans "with all means". The witness testified that this harshness was necessary and could not be avoided. (pp. 1526, 1527)

Witness admitted that frequent incidents marred the retreat of the German Army from Belgium to France, which were regrettable and which, like the destruction of Oradour, were absolutely contrary to the laws of war. He, however, was no longer in active duty at that time. (p. 1527)

The witness was shown Exhibit P 156 U.S.A. 41, a bulletin entitled "The Battle of the Navy against Versailles from the years 1919 to 1935". He did not know of this booklet but he was then questioned with respect to certain excerpts in it. (pp. 1529 to 1531)

Witness knew of the "commando order" issued by Hitler on 18 October 1942. It was his opinion that commandos who behaved properly were fighting troops and he sabotaged this order of Hitler just as he did the Commissar order. In addition, it was disregarded by the SD. He knew of no cases in which this "commando order" was applied. (p. 1374)

The generals in France refused to engage in the labor recruitment program. They used as an excuse that they did not have sufficient troops for this. Actually they did not desire to add to the intensity of the underground movement by slave labor recruiting activities. (p. 1374)

Witness at all times attempted to maintain free relations with the French civil population. He cooperated with Field Marshal Petain and did all in his power to alleviate the conditions of the French people. (p. 1375)

When the witness heard of the shooting of 100 American soldiers at Malmedy he immediately ordered a detailed report from General Model. The statement of witness von Deressen that the order for this execution must have come from higher up is completely false. Actually it was ordered that as many prisoners as possible should be taken in order to create favorable propaganda at home. (pp. 1376, 1377)

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The high military leaders did not engage in a concerted effort to prolong a hopeless war. The people and the military leaders believed that Germany was fighting for its existence. The generals had to hold out to the last in fulfilment of their soldiers' oaths. Any attempts to remove Hitler would have been considered as treason with the rank and file of the Army and, after the Yalta, would not have procured for Germany any better peace terms than complete surrender. It was for this reason that the witness condemned the attempt to assassinate Hitler on 20 July 1944. On cross examination he emphasized the fact that if there had been a possibility at the time of the incident of July 20 to end the war he would not have condemned this putsch. However, under the circumstances the success of that attack on Hitler would have caused chaos. It was for this reason that the witness came out of retirement and sat in judgment of the defendants. (pp. 1377, 1383, 1384)

General Rommel and the witness attempted to persuade Hitler to end the war about three weeks after the invasion of Normandy. They made it clear to the Fuehrer that the invasion was a success and the enemy attack could not be stemmed. Toward the end of June another such report was made to the Fuehrer at Obersalzburg. Shortly thereafter the witness was relieved of his command for, ostensibly, consideration of his health. (p. 1378)

On cross examination the witness was questioned with respect to the commando orders (498 PS and 493 PS) and he repeated that the generals quietly sabotaged these orders and that to his knowledge no one was handed to the SD under these orders. He had the cooperation of the SD in France in this matter. Shortly before the invasion the witness requested a rescission of this order and received a communication which set forth certain lines, in back of which enemy troops were to be considered commando troops and in front of which they were to be treated as fighting troops. He was questioned as to how he reconciled this sabotage of the commando order with the oath he took to Hitler pledging him to unquestioning obedience. He admitted that, taken in a very strict technical sense, his action constituted disobedience. He was asked whether he reported that he was carrying out this order when in fact he was not and he answered that he didn't report anything about it. His attention was called to paragraph 4 of Document U.S. 551, which called for daily reports from the Commander-in-Chief West on this subject and he said that this was not his concern but the concern of his staff. He was then shown Document 531, from his headquarters, in which it was reported that the commando groups had received the treatments ordered for them. His answer to this was that certain things may have happened here and there but, on the whole, the order was sabotage. He was sure that no more than two or three cases took place. (p. 1499)

On cross examination the attention of the witness was called to page 5 of the testimony of General Kurt von Ovsterreich USSR 151, relating to the inhumane treatment of Soviet prisoners of war. He replied that this document treated of a time after he retired on December 1, 1941 and he, of his own knowledge, did not know how prisoners were treated at that time. He conceded that if the events depicted by Ovsterreich were true they were contrary to the rules for war. (pp. 1507, 1508)

II. Evidence of Voluntary or Compulsory Membership

From the time of Stalingrad on, there was no opportunity for a high military leader to ask for dismissal. In 1941 a "fuehrer order" had been issued which said that a high commander, like a common soldier, could not way "I am not continuing." In 1941 the witness had gotten into an argument with the OKW, which was really Hitler, regarding a planned withdrawal of tanks in the area of Rostov. As a result of this difference, witness requested his removal and received word that another commander-in-chief would arrive to take his place. Hitler later regretted his decision and in March 1943 the witness became Commander-in-Chief West.

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At the time of this resignation Germany was not yet in danger and witness asserted that had she been in peril he would not have taken any steps to resign. Any resignation against the will of Hitler would have been impossible and would have been considered a revolt. Disastrous consequences to the family of the general involved would have followed. (p. 1379)

III. Knowledge of Criminal Activities

The witness did not have detailed information concerning the duties and activities of the SD Einsatz Groups in the East. These were in the rear areas and came under the command of Staff Rosenberg. He did recall that there was an execution scheduled to take place near his headquarters at one time and he remembered prohibiting any of his soldiers from watching such a thing. He heard that this execution was carried out by the SS. (pp. 1359, 1360)

The witness denied a statement in Document U.S. 560, Affidavit No. 16, by General Roettiger, to the effect that duties of the Einsatz Commands were carried out with approval of the Army's highest leadership. He did hear stories of incidents which were supposed to have happened not during the campaign of Poland but during the Military Government of that country. He denied a statement in Affidavit No. 18, U.S. 563 by SS Leader Rhode that the SD Einsatz Groups were in the Army groups and were under direct command of the Army group commanders, both tactically and every other way. The witness said that these groups were all under the orders of Himmler. (pp. 1360, 1361)

The witness contradicted Ohlendorf's statement before the Tribunal that Hitler had informed the various commanders-in-chief, in his conference before the Russian Campaign, of a proposed liquidation of the Jews. The witness also denied any knowledge of the agreement referred to by Witness Schellenberg between Heydrich and the General Quartermaster under which the Army groups were supposed to have been informed of the duties and activities of the SD Einsatz Groups. Witness stressed his opinion that the entire Jewish operation was under the cover of a secret order. (pp. 1361, 1362)

Witness never heard of an order according to which thirty million Slavs were supposed to be exterminated. (p. 1362)

Witness denied any knowledge of the activities of the Gestapo within the concentration camps. He only learned of these matters after the capitulation. During the war he knew of only two concentration camps: Oranienburg, which was kept as a show place for the benefit of visiting foreign diplomats, and Dachau, which was not known as a camp but as a concert camp for the incarceration of those who had made unwise statements. The extent to which the true nature of Dachau was known was also shown by the fact that Generals Halder and Falkenhausen were assigned there for a year and had not the slightest idea of what was going on. (p. 1362)

Witness knew nothing concerning the truth of General Ovsterreich's statement that Soviet prisoners of war were marked with a certain mark. He saw no directive to this effect, nor did he see a directive ordering that Soviet prisoners of war were to be fed less than other prisoners of war. The witness knew nothing of a directive from the OKW, under which all cities vacated by the German Army in retreat were to be destroyed. While he was there during the winter of 1941 and 1942, it would have been insane to destroy homes which were needed for shelter for German troops. The attention of the witness was called to General Keitel's testimony that he went to Hitler and advised him not to start a war against Russia. He was asked whether he believed that a man in the high military position of Keitel would have given this advice to Hitler if he had any information that Russia was about to attack Germany. The witness stated that Hitler had probably decided not to

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use Keitel's advice but to order this preventive attack on Russia any how. The witness said that an aggressive campaign existed only where there was an attack upon a country that was not armed and that was living in peace. In the case of two nations which are armed and prepared for war, it is a question of whether it is a preventive war by one side or the other. He was asked whether the fact of an agreement of an anti-aggression pact between two countries had any bearing on this question of aggression or prevention and he answered that if a country bears arms and prepares itself for an attack on his country, then the agreement had already been broken by it. Asked whether he had any information which led him to believe that Russia had broken her pact with Germany, he said that he relied on the word of Hitler that Russia was preparing to attack Germany. (pp. 1518, 1519)

Summarized by:

J. S. CONWAY

H1095-0044

SUMMARY OF EVIDENCE OF

J O A C H I M R U O F F

WITNESS FOR THE SS TAKEN BEFORE

A COMMISSION ON

29 JUNE 1946 - TRANSCRIPT PAGES 2143-2155

SUBJECT: Participation in the Waffen SS:-

(a) On the running of concentration camps
(b) Concerning the Einsatzgruppen of the Security Police of the SD
(c) Concerning partisan activities
(d) On the responsibility of the SS and activities of the so-called "nominellen" SS members

The witness served in 1-A of the SS Main Leadership Office and since August 1942 acted as chief of the leadership group of the Kommandeure office or leading office of the Waffen SS. He held the rank of Colonel in the Waffen SS.

I. Activities Relating to Article 6 of the Charter

1. Concentration Camps

The witness testified that the SS Main Leadership Office did not give any orders to command posts or to the guarding battalions of concentration camps with reference to the treatment, release, or killing of prisoners, and with reference to the conditions existing in the camps. Although this Office kept personnel records concerning offices located in the front units of the SS and offices which were in training and in replacement units, it kept no personnel records concerning command post personnel of concentration camps and exerted no influence over the men there. The guard units of the concentration camps wore the uniforms of the Waffen SS but were only made part of the SS as an external measure to obtain uniformity. On cross-examination, the witness admitted having visited the concentration camp of Oranienburg in 1941 but stated that he knew nothing about the extermination of the Jews until after the capitulation.

2. The Responsibility of the SS and the Activities of the so-called "Nominellen" SS Members

Higher SS and police leaders needed military rank to perform duties, since some army personnel were assigned to aid them. Himmler therefore gave them a rank in the Waffen SS. He also did this for the purpose of getting around the UK regulation, that is, by giving them a rank in the SS, persons could be considered essential and could not then be used for duty at the front. The duties of these men were not the duties of the Waffen SS and therefore the SS Main Leadership Office had no jurisdiction over them. Therefore, although some higher SS and police leaders held the title of General in the Waffen SS, this title carried no authority with it to exercise command over SS units. Schellenberg and Kaltenbrunner received military ranks in the Waffen SS on the above basis.

On cross-examination, the witness testified that the SS Totenkopf was an independent unit and came under the command of the SS Main Leadership Office only at the time that its members became members of the Waffen SS.

3. Evidence Concerning Einsatzgruppen of the Security Police of the SD

Although the SS Main Leadership Office had an insight into the front and replacement units of the Waffen SS, it did not have any knowledge of the organization of the Reich Security Office, and the witness did not know whether there were any Einsatzgruppen of the Security Police of the SD in Russia and what their activities were. He learnt in 1943 that in 1941, three or four SS companies had been detached and made into guard units for certain police staffs. The witness stated that if any companies of the Waffen SS were ever attached to these Einsatzgruppen, it could only have been these. The Main Leadership Office of the SS was never informed of the activities of these companies.

On cross-examination, the witness denied that the Waffen SS was ever used for hanging and shooting people in occupied countries. He stated that Major-General Obergruppenfuehrer Juettner was his chief in the SS Main Leadership Office and a letter of Juettner's dated 14 October 1941, addressed to the Reichsfuehrer SS and bearing the heading "Intermediate report on the civilian state of emergency", was read to the witness (document 1942-PS - USA 471):-

"I deliver the following report regarding the commitment of the Waffen SS in the Protectorate Bohemia and Moravia during the civilian state of emergency:

'In the mutual changes, all Battalions of the Waffen SS in the Protectorate Bohemia and Moravia will be brought forth for shootings, and relatively for the supervision at hangings.

Up until now there occurred:

99 shootings) in Prague
21 hangings)

54 shootings) in Bruenn
17 hangings)

TOTAL - 191 executions (including 16 Jews)

A complete report regarding other measures and on the conduct of the officers, non-coms and men will be made following the termination of the civilian state of emergency'".

The witness stated that he knew nothing of this report, that the matters described in the report occurred before he entered the SS Main Leadership Office, and that no such occasions or reports ever came to his attention while he was there.

On cross-examination, the witness stated that he knew nothing about the Einsatzgruppen during the war, and that he knew nothing about the activities of Action Group A.

4. Duty of Obedience to SS

The witness had heard that a meeting of higher members of the SS took place in Posen in 1943 but said he knew nothing of the speech which Himmler made on this occasion. An excerpt from the speech - 1919-PS (USA 170) p. 6 - was read to the witness:-

"I would like here to state something clearly and unequivocally: It is a matter of course that the little man must obey. It is even more a matter of course that all the senior leaders of the SS, that is, the whole corps of Gruppenfuehrer, are a model of blind obedience".

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Witness stated that he was never required to render blind obedience to the SS. He did not consider his duty of obedience to be any greater than that of any soldier. The witness admitted that Himmler was probably "one of the greatest murderers of all time". However, he stated that he did not know anything about the participation of the Waffen SS in these activities, and that if they were involved at all, only a small part participated and the organization could not be blamed.

5. Waffen SS Participation in Partisan Warfare

As a rule higher SS and police leaders did not have the right to use units of the Waffen SS for replacement purposes. The command posts or command troops of an army could transfer certain units of the Waffen SS under their jurisdiction to the person in charge of anti-partisan actions. If a higher SS and police leader declared a sector as a partisan area, he could request the use of replacements of Waffen SS units in the area for a short time. Such requests were made through the SS Main Leadership Office. If the request was refused, the ultimate decision rested with Himmler, and in certain instances, Himmler did approve such use of these units. However, the SS Main Leadership Office never handed over troops to commanders of anti-partisan sectors for any length of time.

The army was in complete command of the Waffen SS units which had been made available to them. The respective army Hq. could order the SS to anti-partisan warfare without the consent of the Waffen SS or Himmler. However, this seldom happened as the army preferred using these units at the front.

Summarized by: D.M. HUNT

H1095 - 0046

H1095-0047

SUMMARY OF EVIDENCE OF

H A L T E R S C H E L L E N B E R G

WITNESS FOR THE HIGH COMMAND TAKEN BEFORE

A COMMISSION ON

25 JULY 1946

SUBJECT; The witness was examined with respect to the subject matter of Affidavit # 12 (USA 557).

The witness testified that he had drafted the affidavit in question. At the time he swore to this affidavit he was not informed of its purpose. The first draft had been corrected prior to signature. With respect to the following sentence in the affidavit - "According to my order, I should see to it that the responsible services of the army were held to help in all activities of the so-called Einsatzgruppen and Einsatzcommandoes of the Sipo and SD" - the witness was asked what he meant by the phrase "in all activities". He gave the unresponsive but generally related explanation that it was intended to keep the rear area behind the combat troops free under any circumstances. When pressed for a more satisfactory answer by both the Commissioner and defense counsel, the witness explained that the Fuehrer Order was intended to keep free the rear of the combat troops and also to give an opportunity for the Sipo and SD to fight on the battle front.

The witness testified that in his conversations with General Quartermaster Wagner, who was representative of the OKH, he was continually interested in reconciling Hitler's order to keep the rear areas free, with Heydrich's plan to use these civil organizations on the battle front. Wagner was suspicious that an assignment of the Sipo and SD to combat troops would entail jurisdictional and disciplinary difficulties, and he also believed that Heydrich might use such a situation to build his own army among the combat troops.

The witness did not read the Fuehrer's order himself but was informed by Wagner that it was the Fuehrer's wish that the Sipo and SD should operate within the field army as well as maintain their supply lines by means of the army.

The witness was next questioned with respect to a statement contained on page 2 of his affidavit, to wit: "The tactical and functional authority and responsibility of front-line headquarters of the field army over the Combat Commandos found no limitation in the agreement and therefore needed no further clarification". The witness was asked what he meant by the phrase "tactical and functional authority". He answered that by these words he meant the unlimited authority of the front-line commander. The witness realized that from Wagner's point of view the vesting of this type of authority over the SD groups in the military was a condition precedent to any agreement. In his dealings with Wagner, the witness conducted himself accordingly, and when Wagner came to discuss the matter with Heydrich, he immediately called the latter's attention, as an old navy officer, to the fact that there could not be two masters at the front.

Reference was next made to the part of the witness' affidavit which read: "The agreement made it clear that the administrative subordination embraced not only disciplinary subordination but also the obligation for rear headquarters of the field army to support the Combat Groups and Combat Commandos in matters of supply (gasoline, rations, etc.) as well as in the use of the communications network". The witness was asked if he had ever heard of a case in which a superior military officer used this disciplinary power against the Sipo or the SD. The witness asnwered that he referred only to the contents of the agreement and not to events which took place at a later time.

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Witness was asked whether reports on the Commando Groups were submitted to army Hq., as was to be expected if these Groups were really subordinate to the army. He answered that such a report had been shown to him by the Prosecution during interrogation, and on the basis of this he took the personal decision that such reports were sent to army Hq. He accepted the reports which were shown him by the Prosecution as genuine copies of the originals which were sent to the army, on the basis of his knowledge of the general form in which reports were drafted within the RSHA.

Witness was questioned regarding his statement that just as he left he heard the remark that Wagner and Heydrich wished to discuss in complete privacy the Fuehrer's command. He testified that he gathered this impression from words which were spoken at that time, but that he could not repeat the exact conversation. He retired from the room and was called back half an hour later just to say "Goodbye".

Witness was next questioned with respect to the following statement on page 3 of his affidavit: "Therefore, I must express today my firm conviction that during the secret oral discussion between Wagner and Heydrich the extensive future activity of the Combat Groups and Combat Commandos with the combat element of the field army was obviously discussed and delineated so as to include even planned mass executions". He testified that he did not have this impression during or immediately after the discussion because he was so busy with the formulation of the agreement that he did not think of its consequences. His stated conclusion was influenced by a report of Oberfuehrer Stahlecker dated 1941 which was shown to him at the time of his interrogation in 1945. Since the date of his affidavit, the witness had had discussions with other witnesses for the Sipo and SD, from whose stories he had become even more convinced that that which he stated in his affidavit as a presumption was the actual fact. Prior to the time of his affidavit, he had no opportunity to consult with other witnesses because he was in a single cell.

The witness stated that he had seen two reports from the Combat Groups. One was Operational and Situational Report # 6 , and the other was a comprehensive report of a Combat Group. Witness admitted that he had not stated in his affidavit that such reports were sent to army Hq. He based this opinion on the part of the reports which praised the troop for its good cooperation with General Hoeppner.

The witness was questioned regarding his statement that "the Oberbefehlshaber of the army groups and armies which were to take part in the Russian campaign were accurately informed through the normal OKH channels of communications about the extensive future mission of the Combat Groups and Combat Commandos of the Sipo and SD as including planned mass executions of Jews..." The witness did not know of any alleged order to Combat Groups from higher Hq. in which they were directed not to discuss any of their actions with the army. He arrived at the stated conclusion partly by reason of his experiences during conferences in May 1941 and partly by reason of having been shown weekly reports of the Einsatz units at the time of his interrogation in 1945.

The witness testified that he himself was not present at the meeting attended by the officers of 1-C, at which there was any discussion of mass executions. However, he pointed out that there was one part of this meeting which dealt with general matters and that he only attended the part dealing with operations. Witness was asked on what grounds he drew the conclusion that regular army and army group officers received information with regard to constant mass exterminations through regular army channels. He answered that he based his opinion on the tone of the discussion at the time, the use of members of the SD and Sipo in the fighting zones, and upon actual occurrences. The defense attorney stated to the witness that this was not specific proof, and the witness replied that the almost logical sequence of the occurrences was sufficient proof for him.

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The witness based his statement that General Wagner had called the 1-C officers from the various commands into conference, on Wagner's specific remark at the outset of the meeting - "officers I called you together", and also on the fact that Wagner led the discussion at this meeting. The witness did not know whether the calling of these meetings by General Wagner was outside of the field of his activities, or on just what authority he called the meetings. The witness attended one session of these conferences at which no mention was made of the substance of the agreement between Wagner and Heydrich. Nevertheless, he concluded that this matter was discussed in subsequent meetings which he did not attend. He stated that this was his strong conviction, based on matters which did actually occur.

The witness was shown an affidavit by Brigadier General Kleikamp, a 1-C officer of army group south who had attended the meeting in June 1941, and who stated that the 1-C officers were not informed of any proposed mass executions in Russia. The witness answered that if Kleikamp attended the same meeting which he attended, Kleikamp's statement that mass executions were not discussed was quite true and agreed with witness' own statement. However, witness emphasized that he specifically remembered that the military use of the Sipo and the SD as a security for the so-called Rollbahnen (supply roads leading to the front) was discussed. The witness made the point that in this respect the sworn affidavit of General Kleikamp was not quite complete and he chose to adhere to his prior stated opinion that at later meetings the agreement between Wagner and Heydrich was explained to the 1-C officers.

On re-direct examination by the prosecuting attorney, the witness emphasized the fact that he was particularly well qualified to judge the authenticity of the Einsatzgruppen reports which he was shown during interrogation, by reason of his long experience (since 1935) in the SD and in administration. He also believed that this experience enabled him to draw the conclusions which he had made, even though he had not fully participated in the various conferences.

Summarized by: J.S. CONWAY

H1095 - 0050

SUMMARY OF EVIDENCE OF FRANZ SCHLEGELBERGER

WITNESS FOR THE REICHS CABINET

TAKEN BEFORE A COMMISSION ON
29 JULY 1946 TRANSCRIPT PAGES

SUBJECT: Reichs Cabinet—especially with regard to Administration of Justice.

In 1931 witness held position of State Secretary in the Ministry of Justice. He held the same position in the Papen Cabinet and the Hitler Cabinet, remaining with the latter until August 1942.

I. Activities Relating to Article 6 of the Charter

1. Steps towards Concentration of Power

The so-called Angleinchungs Gazettes issued in 1933 gave the Government power to issue new laws and modify the Constitution. (This was described by the witness as the basis for concentration of power in Hitler.) The next step was to prohibit all parties, except the National Socialist Party. In 1934, offices of Reichs Chancellory and Reich President were merged—this law was approved by a plebiscite. In 1936, the four-year plan was conceived. In 1938, a general plan for a plenipotentiary for public economy was adopted and in 1939 a general plan for a plenipotentiary for the administration in the High Command of the Armed Forces took place. With the outbreak of war all forces became more and more concentrated. Councils and ministers for the defense of the Reich were appointed and in these councils only a few ministers participated. As early as 1937 and 1938 the Hitler Government had become "clear tyranny", according to the witness. By virtue of a Reichstag decree of 26 April 1942, all capacities of the Fuehrer were coordinated.

2. Evidence relating to Reich Cabinet

In 1933 the Hitler Government was formed. Reich Minister of Justice Guertner had been in the Papen Cabinet and Hitler asked him to remain in office.

Witness had refused to join the Party in 1933 but in 1938 he received a letter from the Fuehrer ordering his adherence to the Party. Witness, who was State Secretary of Ministry of Justice, left the cabinet in August 1942 because of the fact that the independent position which previously had been held by judges was abolished. Hitler had believed that a sentence in a particular case was too lenient. Therefore, on 24 April he asked the Reichstag to give him the power to remove judges from office, without any rights to a pension.

In 1933 the witness only participated in one cabinet meeting and on this occasion he was asked by Hitler whether it was possible to impose the death sentence or a severe imprisonment sentence for abusing the SA uniform. He replied that no such law existed and Hitler violently reprimanded him. Later, however, he shook hands with the witness and told him that he was right.

In the beginning ministers negotiated and expressed opinions in regard to the drafting of new laws as far as witness knew. Later, however, (from 1934 on) Hitler preferred to talk to several ministers rather than the whole cabinet. He had adopted the principle that no one must know or learn more than necessary for carrying out his tasks. The last cabinet meeting in which matters were discussed took place in 1937. In 1938 there were no more cabinet meetings wherein Hitler was

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informed of events. From 1937 on, all draft laws had to be settled by the Umlaufsverfahren. Hitler did not inform his ministers before making an important political decision. For example, the Minister of Justice learned about the Nurnberg decree only after it had been issued and only learned of the invasion of Austria and the commencement of war after both had occurred.

On cross examination witness stated that there was some cooperation between ministers who were involved in a specific case. Legislation was brought about by "circulation"—that is, by circulating drafts among cabinet members. The ministers learned of the law by circulars but the documents were only signed by the men who had participated therein and others were only informed about it.

The witness testified that when a minister submitted his application for resignation it was violently refused by Hitler. However, on cross examination he admitted that the resignation of Eltz von Ruebenach had been accepted.

3. Conflict between Party and Ministry of Justice

Guertner (Minister of Justice) saw danger in Hitler's policies but, in view of Germany's desperate condition, he was of the opinion that better conditions could be established through his policies. After the seizure of power, Guertner appointed two State attorneys to examine the use of same and to deal with all cases wherein responsibility under the German criminal law was involved. This was done subject to the right of the Fuehrer to cancel any case.

The Party more and more tried to conquer justice within the State and Guertner fought it. He saw to it that the whole system of justice was brought under the jurisdiction of the Minister of Justice. He was the only minister not a National Socialist and he also saw to it that judges were not influenced. However, the Fuehrer was often interested in certain cases and the District Attorney cooperated accordingly. Minister of Justice ordered that the Gauleiters could not appear at trials to influence judges. He also struggled against Black Corps newspaper which attacked judges. He especially had difficulty when the police arrested people who had been acquitted. Again and again he admonished Hitler for the above policies. He saw to it that all complaints received by competent authorities were dealt with but, in regard to excesses committed in concentration camps, only until 1939 when these cases came under the jurisdiction of the SS.

On cross examination the witness stated that it was possible that he introduced police and SS jurisdiction in occupied territories and that he introduced the Nurnberg decrees in the occupied territories of the East. He was also asked regarding certain letters he received from 1939 to 1942 from the Bishop of Limburg and other bishops, stating that certain inmates of an asylum had been murdered in violation of the German criminal law, paragraph 211. Witness claimed he didn't know of this until 1941 and that he then asked the Fuehrer to issue a law assuming the responsibility but he refused to do so.

4. Evidence relating to the Roehm Putsch

On cross examination the witness was questioned regarding the killing of Dr. Klausener and others on 30 June 1934. The witness admitted that two days later Hitler, Guertner and others had signed a law making the acts legal. Through hearsay witness learned that at that time Hitler had told them that the Roehm affair was a revolt of a small clan of homosexual SA men.

Summarized by:

D. N. HUNT

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SUMMARY OF EVIDENCE OF FELIX SCHIEBLICH

WITNESS FOR THE SS ORGANIZATION TAKEN

BEFORE A COMMISSION ON 13 JUNE 1946

TRANSCRIPT PAGES 899-912

SUBJECT: A volunteer private soldier's view of the WAFFEN-SS.

According to Defense Counsel, witness was selected from a group of 10,000 young men to represent war time volunteers of the WAFFEN-SS (Page 899). Witness agreed in cross examination that he belonged to the German Youth Organization and had been a member of the party since the 1st of September 1941 (Page 904).

I. Evidence of voluntary or compulsory membership.

1. Witness's reasons for volunteering for service in the WAFFEN-SS.

When the war broke out witness was 16 years and 8 months old. He volunteered for and entered the WAFFEN-SS in October 1942. He had previously seen SS troops and liked their appearance. He considered them an elite unit. He stated that his hopes of finding the WAFFEN-SS an elite troop of "idealistic thinking" young people was fulfilled. He servedfirst with a police division and later with the Totenkopf Verbaende (Page 900).

In cross examination witness stated that not all of his friends were volunteers in the WAFFEN-SS. He knew of members of the WAFFEN-SS who were conscipts but all of them seemed content and none wished to leave their units (Page 904).

In re-examination he declared that the conscripts were neither "better nor worse" than the volunteers and all had only one wish - to serve their Fatherland (Page 912).

II. Activities relating to Article 6 of the Charter.

1. Observance of rules of war by the WAFFEN-SS.

Witness served in southern France and Russia and claimed that prisoners of war were never mal-treated or shot by members of his unit (Page 902).

Asked by the Prosecution in cross examination how his ideal of the WAFFEN-SS as an elite unit was consistent with the persecution of Jews and the Church, witness replied that the SS endeavored to create a "true Germanism". By this he meant the "awakening of the noblest elements of the German man". This did not mean persecution of Jews and he denied all knowledge of it (Page 905).

2. Attitude of the WAFFEN-SS to the civilian populations.

Relations with the French population and the Russian population were good. The French people gave his unit a hearty farewell when it left for the Russian front. Witness said he knew nothing of villages being burned down in Russia or of instructions to spread terror as a "master race" (Page 902).

In cross examination witness said that he had believed that the workers deported to Germany from other countries came "voluntarily". He denied any knowledge of Einsatzgruppen (Page 909).

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He and his friends knew nothing of executions in Russia. (Page 910). He agreed that he served with an SS police division in France but this unit carried out no arrests while he was there. In re-examination witness declared that the SS police division to which he belonged was a front line unit. He served with a training and reserve formation of it (Page 911).

3. Extermination of the Jews unknown.

Witness said "we considered it desirable for the Jews to form their own state". He denied any knowledge of their extermination (Page 902).

4. The Ideals of the WAFFEN-SS were patriotic.

Witness stated that the slogan "my honor means faith" and the desire to serve the Fatherland represented the views of all his comrades (Page 903).

Cross examined by the Russian Prosecution with regard to the ideals of the WAFFEN-SS witness said that the Slavs were, according to the teaching he received, part of the "Indo-European family" and not part of a sub-race. If Hitler said that they were sub-human, then he was not correct. (Page 909). He agreed, however, that he had read "Mein Kampf".

Asked whether he agreed with Von Schirach's statement that Hitler and Himmler, to whom he had sworn an oath of loyalty, were responsible for millions of murders, he said he could not answer, but at any rate had any one known of these murders at the time they would not have continued to believe that Adolf Hitler fought "idealistically" (Page 907).

5. Concentration camp duties.

In cross examination witness agreed that the WAFFEN-SS units guarded concentration camps. He had worked at Dachau himself where the inmates waited on him at the table. Concentration camp duties were not "idealistic" and the men would rather have served at the front. He admitted that when he found this out he was willing to remain in the WAFFEN-SS but preferred to serve at the front.

Summarized by: J.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1095 - 0054

SUMMARY OF EVIDENCE OF FRITZ SCHWALM WITNESS

FOR THE SS ORGANIZATION TAKEN BEFORE

A COMMISSION ON 1 JULY 1946

TRANSCRIPT PAGES

SUBJECT: SS Training in connection with the Racial and Settlement Main Office.

Witness became an SS man in 1932. In April 1934 he took over the office of the racial and settlement question as SS Oberabschnitte.

I. Activities Relating to Article 6 of the Charter

1. Racial and Resettlement Main Office of the SS

Witness was occupied with the racial and settlement question of the SS. He was shown SS Exhibit I which was a chart of organizations and testified that there was an error on the chart with respect to the Fifth Main Office under the heading of the Reichsfuehrer, which was set forth as the Resettlement Office. There was no Resettlement Office in the Main Office from 1934 to 1935. In 1937 the Education Branch which was especially concerned with resettlement was transferred to the SS. This was purely an organizational change and did not affect duties or personnel but it did bring it about that SS leaders became more concerned with the education of the SS men.

The Racial and Settlement Main Office had two certain duties: the removal of foreign elements and transportation back to their homeland and the return to the Reich of Polish Germans living within the area that became Germany after the Polish Campaign. This program had nothing to do with Germanization, or the deportation of Jews or driving other non-Germans from their homes. The witness testified that the SS Resettlement Office did not subscribe to the slogan "people without space", but he did admit that it became their idea after 1933 that a state like theirs owned certain colonies, which in the course of 25 years would remove the necessity for talking about "living space". They believed that any kind of racial cleanliness within the Reich would require at least one generation (25 to 30 years).

The murder or killing of the Jewish people could not in any way be laid at the door of the positive racial education which was taught by the SS. There is no Jewish race nor is there a German race. There just is a Jewish people, a German people, a French people, a Belgian people, and a British people.

There were no unknown goals to this education of the SS, and its aim was to develop a man--brave, loyal and religious in all his daily actions.

Witness denied the truth of statements from the speech of Major Farr, given before the Tribunal on 19 December 1945, in which it was stated that there was a purpose to create an aristocracy to master Germany and all Europe and that in the creation of this special racial group a hatred against people of unequal value ("Minderwertig") was encouraged. He cited the name of Richard Walter Darree who was in charge of the Racial and Settlement Main Office of the SS and later became Reichminister. Witness said that Darree's first endeavor was to create a peasant ideology and his second project was to rid the SS of the unqualified persons who had entered the organization during the year 1933.

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The evacuations, deportations and ghettos which characterized German policy of late years could not be traced to the Racial and Settlement Education. Himmler taught respect for God and religion. It was Himmler who taught these honorable principles that the SS leaders knew. The second Himmler whom they recognized for the first time in May or June 1945 could never have secured their respect nor obedience. They did not know that Himmler had begun murdering Jews as early as 1941 until they learned this fact last year.

The witness contended that the teachings of the SS Racial and Settlement Main Office were founded on the proposition that 25,000,000 Jews the world over had a right to their own homeland and to work out their own problems.

In 1933 there were 12,000,000 Jews in Germany and the SS wanted no more than that the influence of the Jews should be proportionate to their number. In 1939 when there were only 250,000 Jews the witness believed that these would emigrate from Germany peacefully.

Witness was read an extract from the publication Schwarze Korps, 9 August 1940, Document 2663 P.S., Exhibit 269, stating that the Jewish question would be solved for Germany only when the last Jew had been deported and that Europe must realize that German peace must be a peace without Jews. He said that nothing in this exhibit required the inference that all Jews would be murdered but it could be inferred that this statement was advocating their voluntary or involuntary deportation. In any event, newspapers, such as the Schwarze Korps, were not training material for the SS. The reputation of the Schwarze Korps was such that it occasionally printed sensational news which was not reliable.

II. Evidence of Voluntary or Compulsory Membership

Witness stated that from 1932 to 1934 he was a volunteer SS man "just like everyone else." It is believed that his statement should not be taken as an admission of voluntary membership for any time later than 1934.

III. Knowledge of Criminal Activities

The witness could not remember any incidents which would have warned him of the criminal character of Himmler. Extracts from the Posen speech of Himmler to the SS Generals and Gruppenfuehrer in October 1943 were read to him. These expressed a contempt for other nations and their interests and advocated use of other people as slaves to German culture. The witness stated that this speech was made to a very small group of persons and was never released to the public. If these beliefs had been made public military obedience of the SS would have been a thing of the past.

The witness stated, in his personal military experience in the East and the West, he never saw any cruelties. "We saw in the enemy an honest man and if he were wounded we saw in him a friend that was in need."

In 1939 there were only 250,000 Jews within Germany and all SS men believed that these Jews would emigrate from Germany peacefully. They could not have known in 1940 that Hitler was planning the murder of the Jews and he could not have told them that.

The witness did not know of the participation of the SS in the pogrom of November 1938. He admitted that the action of Himmler in ordering Jews to be killed was treason and contended that it was a complete denial of the principles of racial education, under which the SS was taught to have respect for all other races.

Summarized by: J. S. CONWAY

H1095 - 0056

SUMMARY OF EVIDENCE OF HANS SCHNEIDER, WITNESS FOR

THE CORPS OF POLITICAL LEADERS TAKEN BEFORE

A COMMISSION ON

19 JUNE 1946, TRANSCRIPT PAGES 1395-1424

SUBJECT: Duties and Responsibilities of Zellenleiters and Blockleiters

The policy of the successive Governments in Germany from 1920 to 193 influenced the sympathies of the witness towards the Deutsch-Nationale Partei. He was not active in Party politics then, but he was vice-chairm of the municipal employees section at Augsburg. He joined the Party in 1933 and became Zellenleiter in March 1936 at Stadt Bergen near Augsburg, in which position he remained until May 1942.

I. Activities Relating to Article 6 of the Charter

1. Functions of Zellenleiters and Blockleiters in the National Socialist Political Picture.

Witness was appointed Zellenleiter of Zell # 2 by the Ortsgruppenleiter of Stadt Bergen. The duties of a Zellenleiter consisted principally in acting as an intermediary between the Blockleiter and the Ortsgruppenleiter and his staff members. The Zellenleiter took the membership stamps from the treasurer (Kassenleiter) and transferred them to the Blockleiter. He received from the Blockleiter the cash collected and handed this over to the Kassenleiter. He had a similar part in relief work, lotteries, benefit tickets and tickets for meetings. He turned over to the Blockleiter pamphlets, training letters and propaganda materi which he received from the Propagandaleiter. He kept the Blockleiters informed of conferences at the office of the Ortsgruppenleiter which required their attendance. The Zellenleiter had no staff and no assistants, and witness testified that one could not speak of a staff on a lev any lower than that of an Ortsgruppenleiter. In cases of necessity, helpers were allowed to assist the Blockleiters, who were called the Blockhelfers. (Pp. 1395; 1399).

The Blockleiters and Zellenleiters were inferior in authority and privilege to the members of the staff of the Ortsgruppenleiter, and were required to execute the directives given to them by the staff members. Thus in the line of responsibility, these lower political leaders who are within the indictment were inferior to the staff supervisors of the Ortsgruppenleiter who have been excluded from the indictment. (Pp. 1399).

The war brought new duties to the Block and Zellenleiters and caused elimination of some of their peacetime tasks. The principal addition to their work was the supervision of air raid protection measures and the administration of care and relief for the people. (P. 1399).

Conferences of the Block and Zellenleiters with the Ortsgruppenleite were prescribed for regular intervals, but as a practical matter in the district of the witness, they took place only as required. These meetin were attended by the Ortsgruppenleiter, his staff members and members of other organizations who were acquainted with the matters in hand. The chain of command running from Block and Zellenleiters to the Ortsgruppenleiter precluded any direct contact between the Block or Zellenleiters and the Kreis or Gauleiters. (Pp. 1399-1400).

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Allegations that the Blockleiters were minor dictators are not true. Especially during peacetime, the contact of the Blockleiter with the population was extremely limited. A substantial part of their work was concerned with providing relief for the population. They had no authority over the lives or the property of their people and were confined to the execution of directives and orders handed down to them from the Orts-gruppenleiter level. They could not order or request the cooperation of other organizations and they had no connection with such organizations. Indeed, many Blockleiters were unaware of the existence of the SD. On cross-examination, witness explained that he did not mean by this state ment that he or the others had not heard of the SD or the Gestapo, but th they were uninformed regarding the scope of activities of these organiza-tions. (Pp. 1400-1401; 1416).

Witness testified that no Block and Zellenleiters were acquainted wit the Organizations Book edited by Ley, and it was his impression that no one paid much serious attention to this book or closely followed its directives. He denied that there was a practice, in accordanc with p. 101 of this book, under which the Block and Zellenleiters reported to the Ortsgruppenleiter the case of anyone who disseminated harmful rumors. He had never known of a case where a Block or Zellenleiter reported the political views of one of his neighbors. There was a requirement that morale reports should be given but this was seldom observed. During his 5 years of activity, witness was only twice asked for oral reports concerning the morale of the population. On these occasions he, as well as the other Block and Zellenleiters, refused to report on the morale of the population on the grounds that this was not pa of their regular duties. (P. 1401-1402).

The title "Hoheitstraeger" was a title without meaning, and the witness did not notice any new privileges which local leaders acquired after they had been given this title. He was not acquainted with the publication "Der Hoheitstraeger". (Pp. 1402-1403).

It was the concensus of opinion among local political leaders that th part of the Nazi Party which called for the uniting of all Germany was in complete conformity with the right of self-determination as enunciated in the 14 Points of Wilson. Furthermore, the desire for colonies was merely a wish for the return of that which had been acquired legally by Germany and which was needed by her for a supply of raw materials to an over-crowded population. Witness had never learnt of a plan to incorporate the Crimea, Galicia, the Baltic States and other territory into Germany, as is set forth in document L 221 (USA 317). He considered this against all the principles of the Party program and as a crime against the people of these localities. (P. 1404).

Witness was opposed to that part of the Party program which advocated the exclusion of Jews from the German nation and declared that opposition to the Nürnberg laws was general among the Block and Zellenleiters. (P. 1405).

As was natural for the performance of their very simple duties, no high educational qualifications were required of Block and Zellenleiters. Men from the common walks of life held these positions. They were generally honest and decent people but they possessed merely primary education and primary political knowledge. They in no way represented their people but on a very low level of authority performed administrative tasks. No one ever consulted them regarding their political opinions. (P. 1405).

On both direct and cross-examination, witness testified that he had joined the Party with mental reservations regarding its policy with respec to racism and to its hostility towards civil service employees. (Pp. 13 1412-1413).

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2. Activities of Political Leaders with Respect to the Churches

All the Block and Zellenleiters in the orbit of the witness belonged to the Christian church. There was never any directive or pressure brought to bear upon them to renounce their membership, and of their own initiative these political leaders avoided anti-church influence. (P. 1403).

Witness never heard of any hostile attitude towards the church at a Party lecture and he had never heard of directives which required the removal of crufixes from the churches and the elimination of morning and evening prayers (PS 070 - USA 371). The Block and Zellenleiters were never informed as to why certain clergymen were arrested and church property confiscated. (P. 1406-1407).

3. Jews

Witness never received any orders in connection with the increasingly severe persecution of the Jews and he did not believe that others in similar positions received such orders either. (P. 1407).

The local political leaders were given no advance notice with respect to the anti-Jewish demonstrations of 9/10 November 1938 and they did not participate in these. (Pp. 1407-1408).

On cross-examination, witness did not remember the boycott against the Jews in April 1933. He did, however, remember the Nürnberg Decrees issued in 1935. He admitted that the anti-Jewish demonstrations of 1938 and the aryanization of Jewish property were persecutions and State larceny, and that the requirement for Jewish men to wear yellow stars on their backs was also persecution. He maintained that these measures were carried out by the Government without consulting the members of the Party. (P. 1414).

4. Treatment of Enemy Fliers

To the witness' knowledge, Block and Zellenleiters received no order from their superiors authorizing the mistreatment of Allied fliers who had to make emergency landings in German territory. The article by Goebbels in the "Völkischer Beobachter" cited by the Prosecution (1676-PS - USA 3[illegible] which exhorted the populace to treat such airmen as murderers of German children contained no specific directives to the political leaders and, in the opinion of witness, was specifically intended to stamp the people as war criminals. The document PS 075 (USA 329) which referred to the lynching of Allied fliers by the population and indicated that copies were sent to Kreis and Gauleiters with instructions that Ortsgruppenleiters be notified of the contents orally never came to the attention of Block and Zellenleiters, in the experience of witness. The fliers who did land in the vicinity of witness' home were given humane treatment. Much interest was shown by the population in these fliers because the city was the location of the Messerschmitt works. (Pp. 1408-1409).

II. Evidence of Voluntary or Compulsory Membership

Witness was appointed to the position of Zellenleiter by his Ortsgruppenleiter without having been given previous notice and without consultation as to whether he wanted the position. Every Party member was obligated to cooperate in a situation like that and there was no opportunity to refuse a Party office. If a man who had a good position in the civil service or in private employment refused to serve in a Party office, his action would have been considered sabotage against the State.

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Many Blockleiters, for instance, unwillingly accepted their duties and resented the fact that they had to give much of their spare time to them. Usually such officials were glad to rid themselves of these duties. (Pp. 1397-1398; 1400).

III. Knowledge of Criminal Activities

The destruction of free trade unions took place in 1933. This was before the witness became a political leader, and for that reason he was unable to discuss any part which the local political leaders may have played in this program. (P. 1407).

Block and Zellenleiters were completely unacquainted with the Einsatzstab Rosenberg project. (P. 1407).

Witness was not sure as to just when the existence of concentration camps became common knowledge, but he admitted that everyone did learn that hostile political forces were arrested and housed in common places. He did not approve of these arrests of political opposition members who h not committed crimes against the State. He believed that most Block and Zellenleiters shared his disapproval. (P. 1416).

Local leaders did not have anything to do with the treatment of foreign laborers, nor did they learn of regulations regarding the mercy killing of the incurably ill. (P. 1410).

On cross-examination, witness admitted that the foreigners who were brought to work in Germany were treated like slaves in that they were taken from their homes, but he insisted that they did not make the impression of slaves with respect to their contentment in their jobs. (P. 1416).

He admitted that the Nazi Party was responsible for the attitude and actions with respect to the persecution of the Jews, the system of concentration camps, arrests without trial, the organization known as the Gestapo, the system of foreign slaves, the policy of suppressing churches and the order about Allied pilots. He admitted that the power of the Party to carry out these policies rested ultimately on the obedience of local leaders on the level of Zellen and Blockleiters. (P. 1419).

On cross-examination, witness was asked that if he eliminated the parts of the Nazi program to which he objected, namely, the attitude on the question of race and the persecution of the Jews, what remained of th Nazi program. Witness replied that when the Nazis came to power, 6 million men were unemployed in 32 political parties, none of which was in a position to eliminate distress. The Nazi Party was the only one which had a plan to give work and bread to the people and it did not enter the minds of many that they could accept the parts of the program which they liked and reject the rest. The major concern was that father and son should secure employment. (P. 1420).

He likened the responsibility of the Party member for the crimes of Hitler to that of a soldier for the crimes of his general. (Pp. 1420-1421).

Summarized by: J.S. CONWAY

H1095 – 0060

SUMMARY OF EVIDENCE OF EWALD SCHLIECKER

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

7 JUNE 1946 TRANSCRIPT PAGES 681 TO 717

SUBJECT: Organization and Activities of Political Leaders, with Particular Reference to Western Germany.

Witness joined the Party in December 1931 and first held office as a political leader in 1934 with the NSV Department of Welfare. In 1936 he was appointed Kreishauptstellenleiter (Assistant to District Chief). In 1937 he joined the Office of the Kreisleiter in Coblenz. In 1938 he became Gauhauptstellenleiter. From 1939 to 1940 he served in the Army. In 1940 he became Executive Officer in charge of the Kreis and in 1943 he became Kreisbauernfuehrer at Adrweilar. Since the Kreisleiter was absent he held position of acting Kreisleiter until end of war.

I. Activities Relating to Article 6 of the Charter

1. The Organization of the Kreis

Witness testified that the economic depression drove him to join the Party on December 1, 1931. He first held office as a political leader in 1934, finally working up to the position of acting Kreisleiter in 1943. He held this position until the end of the war.

The staff of the Kreisleiter consisted of an inner circle and an enlarged circle. The inner circle was comprised of an Organization Office, Treasury Office, Propaganda Office, Training Office, Staff Office, and a Personnel Office. The enlarged circle consisted of the following offices: (1) Communion Politics; (2) Communion Organizations Technique Department; (3) Economy; (4) Volksturm; (5) Race Politics; (6) Health; (7) Press; (8) Veterans, Farmers, Civil Servants and Educators; (9) Representative of the NSD (the Welfare Organization); and (10) the DAF (German Labor Front).

The leaders in the inner circle held the rank of Kreishauptmannleiters. The heads of various departments which formed the enlarged staff were called the Kreisamtsleiters. Both had assistants--at the top was the Hauptamtsleiter and, going down, the Amtsleiter, the Hauptstellenleiter, the Stellenleiter, and the Sachbearleiter. In the Ortsgruppe level, the top man was the Ortsgruppenleiter--the Amtsleiter worked below him and next in line were the Zellenleiters and Blockleiters.

The term "staff officers" referred to those who belonged to the inner circle. Witness did not consider the various assistants and coworkers of the staff officers, such as the Hauptstellenleiters and the Stellenleiters, as staff officers. In addition to the members of the outer circle enumerated above, he also placed in this category the deputy for full employment, the deputy for air raid protection, the deputy for building of emergency homes, and the councillor for local affairs. The Gau, which was a larger sector than the Kreis, also operated under this type of setup.

On cross examination witness described briefly the functions of the following offices--The Office of Communion Politics administered a law called the Gemeindeordnung by which the Party filled vacancies whenever they occurred in the City Council. However, the Council members were not compelled to be Party members and Council itself was not under the authority of the Kreisleiter. The Office of Technical Tasks sought the union of those who were engaged in occupations of a technical nature, directed their political activities, and brought to the attention of the authorities

matters pertaining to revenues, etc. Witness did not consider the head of this department as a political leader because the propaganda material he used was not his own responsibility but emanated from special departments for propaganda training. The Economic Department was primarily concerned with economic enterprises, which had been bombed out during the war. The Volksturm Department was concerned with orders which came into existence due to the employment of foreign labor. Foreign labor was administered by the Labor Office and the Volksturm was only concerned where an employer or an employee requested special aid from the Party. Office for Racial Politics advised in laws of inheritance and marriage and family problems. The Press Office handled the press. The Veterans' Office was concerned with care of the wounded, pensions, etc. Farmers' Office existed only since 1942 and attempted to aid the Government in feeding the people. The Civil Service Department unified and exercised political direction over Civil Servants. The Educational Office had practically the same functions, but only with regard to those engaged in the profession of teaching.

Political leaders did not take the oath of loyalty every year but only when they became Party members. Every year an oath-taking ceremony was staged but only the new members participated in it. No one was compelled to join the Party or the SA but witness stated that one had the duty of assuming an office of the Party. During war-time Bormann ordered that those refusing to hold office should be brought before Party courts where disciplinary penalties—such as warnings and reprimands and in serious cases expulsion from the Party—were imposed. As far as the Party itself was concerned the penalty was not severe but a Civil Servant was discharged if he was expelled from the Party. Document P.S. 2639, an order of the Deputy of the Fuehrer, stating this policy, was read. In 1936-1937 the percentage of teachers (Civil Servants) among the political leaders numbered about 80 percent. About 50 to 70 percent of the Ortsgruppenleiters were Civil Servants but very few Block and Zellenleiters as they were people with less training, such as workers and craftsmen.

2. Organization Book of the Party

The Organization Book of the Party in witness' opinion was issued by Dr. Ley without the approval of the Fuehrer and was termed as being too involved and unrealistic for use. The witness did not consider Block and Zellenleiters as Hoheitstraeger, although the book characterized them as such. On page 39-A of the book, it states that the Block and Zellenleiters were authorized to put special labels on the outside of their homes. The witness never saw this done, although in 1941 he had requested a badge from the Reich Office for an Ortsgruppenleiter's home. He was informed that none were available.

The Organization Book speaks of Zellen and Blockleiters as having a staff of co-workers. The witness stated that a part of the NSD and the Women's Organization were coordinated to Blockleiters but were not considered part of his staff, and disciplinary rights over these people were only possessed by the Ortsgruppenleiter. The Amtsleiter of the Ortsgruppenleiter, that is his professional advisors, could give orders to Block and Zellenleiters but not vice versa. The witness stated that Block and Zellenleiters did not have any police functions or authority which would justify their being called "Little Nazi Princes".

On page 101 of the Organization Book the statement appears: "Those who are spreading damaging rumors have to be reported by the Ortsleiters to the Ortsgruppenleiters..." Witness stated that, far from this being the case, the Blockleiters were directed to obtain the confidence of the people and this could not be done if they spied on them. Hitler had issued an order that "only that person should know about a matter who is concerned with the execution of it" and the Ortsgruppenleiters conducted their business accordingly. No secret orders were issued to Block and Zellenleiters. Document P.S. 2958, a magazine, "The Office Holder", was only distributed from the Gauleiter down to the Ortsgruppenleiter.

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The SA and SS were independent of Party organization, although the relations between the SA and the Party were cordial and they cooperated during Party functions, etc., but decisions always rested with the leader of the SA.

II. Knowledge of Criminal Activities

The political leaders in Western Germany did not desire an aggressive war. In the election of March 1933 the votes cast there for the Nazi Party were low in comparison to the rest of the Reich. After this, particular propaganda concerning the peaceful intentions of the Fuehrer was distributed. Special pamphlet entitled "Sixty-five Million Desire Peace and Work", was widely distributed.

The Western Wall was built publicly and political leaders were advised to care for employees and to cooperate generally. They considered it to be solely for the protection of the State. Witness stated that even in 1939 it had not been completed.

Witness testified that his Gau, the Rhineland, suffered severely from air attacks. He knew of Bormann's order to the effect that those who participated in lynching of enemy fliers were not to be punished. It was received by witness in November 1944. Shortly before he had received certain instructions from Goebbels. Previously the arrested pilots had been handled by the Army, police and Landers. At the next Kreisleiter conference the witness made these instructions his topic of discussion and told his people that he considered the new directives inhuman and that the old regulations would remain in force. He testified that he was not familiar with Hess' order of March 1940 regarding treatment of enemy parachutists.

Document D 884 regarding abortions performed on foreign women laborers was mentioned. Witness stated that the document was sent to the Gau Office only for informational purposes. He further stated that if a foreign woman worker requested an abortion through the Office of Ethical Affairs, it could be performed. He knew of no specific instance of this occurring in his Kreis. Collective shelters for foreign workers were located in Trier, Germany in 1941-1942. Witness stated that these were well furnished and that workers received clothing through the Party. On cross examination he denied that laborers were sent to Germany under compulsion but claimed that they came voluntarily.

Witness never received nor gave orders that could be termed hostile to the church. In his Rhineland District about 3/4 or 5/6 of the population was Catholic.

Summarized by:

D. M. HUNT

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H1095 – 0063

SUMMARY OF EVIDENCE OF ANTON SCHUELLER

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

14 June 1946 Transcript Pages 1069 to 1080
17 June 1946 Transcript Pages 1181 to 1188

SUBJECT: Organization and Functions of NSV People's Welfare Association and Its Relation to the Party.

The witness joined the Party on June 1, 1930. In 1933 he became a member of DAF German Workers' Order and in 1938 he became a worker with the NSV. He held various offices in the NSV—acting as Kreisamtsleiter for the NSV in three districts: Daun-Wittlich in the Moselle District, Neuwied in the Rhineland, and Grevemacher in Luxembourg.

I. Activities Relating to Article 6 of the Charter

1. Organization of the NSV and its relation to the Party

The NSV was organized in 1933 as a "registered association". This means that its workers were employees of the NSV and not of the Party. Employment was performed on the basis of private service contracts regulated by GBG—German Civil Code—the employees were trained as welfare and social workers and were responsible to the witness as a Kreisleiter of NSV.

The Kreiswaltung Office was the Office of NSV on the Kreis level. The head of this office, that is the Kreisleiter of NSV, was coordinated as a professional expert to the Kreisamtsleiter, the extended staff of the Kreisleiter. Various experts who did not have the functions of political leadership belonged to this enlarged staff of the Kreisleiter known as the Erweiterter. These men were professional advisors. Witness was subordinate to the authority of the Kreisamtsleiter for disciplinary matters but all instructions concerning his work, both as Kreisleiter of the NSV and as Kreisamtsleiter of the extended staff, emanated from NSV. He did not attend the conferences which the Kreisleiter held with his inner staff but did attend the monthly meetings held with the enlarged staff. These latter meetings were also attended by SA leaders, mayors, and other functionaries. Subject matter of the meetings were not secret and representatives of the press attended. At the beginning witness gave a monthly report of his activities to the Kreisleiter but later these were submitted with less regularity. Because the witness was subordinated to the Kreisleiter for disciplinary matters and to NSV for professional instructions, this led to a conflict between the two. At one time witness requested a suspension for one and a half years because of this conflict.

2. Functions of NSV

All institutions of NSV were available to Germans, regardless of political or religious differences, except to those elements "considered anti-social". Even foreigners and prisoners of war working in Germany received the same assistance as German workers.

With regard to the workers, their billeting, food rations, etc., was the task of DAF. NSV only entered the picture if a particular need arose, such as illness, etc. In such cases witness or competent Ortsgruppe was informed of the special need by DAF and the NSV helped out.

When a man was arrested, the Kreisamtsleiter was informed in order to ensure care for his family.

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The NSV furnished gas masks to the population as part of its welfare program. The witness testified that the organization was never used for militaristic purposes. Its auditing system was strict and witness transmitted funds only to the higher NSV officers.

He stated that no conflict ever existed between NSV and the church and that a considerable number of ministers belonged to NSV. On cross examination witness was questioned regarding Document D-901 consisting of two letters written by the Ortsgruppenleiter at Hahn. The first letter was concerned with the elimination of an Evangelical Youth Group for girls between the ages of 10 and 14. The witness stated that NSV conducted kindergartens for children up to the age of six years but after that age had no further connection with them. In the second letter it was stated that NSV had opened a kindergarten and that it would soon have as many pupils as a former Evangelical Children's School. Witness stated that the matter of attendance was left entirely to the parents.

Summarized by:

D. M. HUNT

H1095 - 0065

SUMMARY OF EVIDENCE OF WOLFRAM SIEVERS,

WITNESS FOR THE SS TAKEN BEFORE

A COMMISSION ON

27 JUNE 1946

SUBJECT: Constructions and Tasks of the Ahnenerbe Organization (Ancestral Heritage Institute). The Ahnenerbe Organization had no part in the Biological Experiments Performed by the Dr. Rascha Group

I. Activities Relating to Article 6 of the Charter

Witness was Reich manager of the Ahnenerbe Organization since its foundation on 1 July 1935. He was made an honorary member of the SS in 1935 at Himmler's suggestion and on Himmler's assurance that it would not mean serving in a Storm Troop organization. Himmler assigned him to his personal staff.

The Ahnenerbe was an organization which had been registered with the district court in the Berlin center. It was related to the SS simply because Himmler was its trustee. In 1937, Himmler became president and chairman of this organization, and in 1942 the organization became a department in the personal staff of the Reichsfuehrer. This measure was adopted in order to avoid a decree of Goebbels to put an end to research during the war years. The primary concern of the organization was scientific research in the philosophical, cultural history and geography of European nations. The term "European" was one quite distinct from the word "Nordic" as used in National Socialist terminology, and the Ahnenerbe was not requested to do any propaganda work. The scientific results of research in the Ahnenerbe is shown in about 100 publications which were open to men of international science.

Witness had a conversation with Himmler at Easter 1942, at which the latter said that the Slavic group was an essential component of the European races, and that efforts should be made to win the Slavic nations over in case of possible controversy with the yellow races.

The Ahnenerbe carried on its research work in the following ways: (1) By donating research scholarships; (2) By the institution of about 50 research departments that is research institutions; (3) By means of work groups in cooperation with universities and Reich institutions; (4) By supporting research expeditions; (5) By erecting work shops and laboratories; (6) By building up special libraries that concerned themselves with special fields of work and by founding a central library; (7) By compiling of work and making it the work of university thesis and studies; (8) By carrying out congress and work conferences; and (9) By making the publication of scientific work possible.

There were 50 active department heads in the Ahnenerbe and about 1000 participating members who paid dues and took varying parts in its activity. Membership in the SS was no condition for membership in the Ahnenerbe, and women, foreigners and clergymen were allowed in this organization. Most of the members who were in the SS were only honorary members of the SS.

The Foundation acquired funds from membership dues from German research organizations and from State endowments.

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Himmler told witness that he aimed to have the Ahnenerbe collaborators de-centralized as a group at a university, some to become professors and others to establish themselves as field officers.

The department managed by Dr. Rascha did not belong to the Ahnenerbe but to the institute for military scientific research (Wehrwissenschaftliche Zweck Forschung). Besides Dr. Rascha, there were in the military institute the department of Professor Dr. Hirsch; Dr. Mey of the Interbiological department; the military scientific research department of Professor Brandt; the mathematical department manned by the mathematician, Dr. Bose; and the gynecology department of Dr. Brucher.

In 1942, Himmler amalgamated this military institute in order to avoid the expense of having a director of its own, and so that the Ahnenerbe might procure for the military institute the required funds and materials. The military institute was directly subordinate to Himmler and not to the scientific director of the Ahnenerbe. Department heads were directly responsible for their own work to those who had given them their missions. Missions were given to the institute by Himmler, the Air Force, the Reich Research Council, the Army and industry.

The administrative work of the department of Rascha constituted about 2 to 3% of the administration of the entire Ahnenerbe. No one in the Ahnenerbe had any influence or authority regarding the execution and planning of Dr. Rascha's experiments.

The work carried on by the military institute of research was strictly secret and reports went from department heads to Himmler, or to the person who had assigned the task. The earliest experiments of Dr. Rascha were carried out at the order of the Air Force, and at a time when Rascha was a director of the Air Force. The subjects of the experiments were at first volunteers from the Air Force. Later, by reason of a Fuehrer order, volunteers from the camps were to be used, or criminals who had received the death sentence. Rascha once told the witness that more applications had been received than he needed and that some of the inmates who had volunteered for the experiments were released entirely from the camp.

The experiments of the military institute were financed by the Reich Research Council.

III. Knowledge of Criminal Activities

On cross-examination, witness admitted that the biological experiments of Dr. Rascha were known in the Ahnenerbe to the extent that the task which had been set up was known as such and it was known that the mission was being carried out. Witness was aware that various medical circles in Germany which Himmler called Christian Medical Centers were objecting to experiments on human beings for the Luftwaffe, but testified that Himmler quelled this objection at once with a very severe order and that he then transferred Dr. Rascha out of the Luftwaffe and into the Waffen SS. Witness was not sure that the reason for this transfer was the protection of Rascha against the indignation of some people in Germany against human experiments.

Witness had never seen films connected with the Rascha experiments, although he had heard that such films were shown to the Air Force. He believed the title was "Concerning the Behavior of Persons at High Altitudes and Sub-Level Pressure Chambers". Witness knew nothing of experiments on women.

Summarized by: J.S. CONWAY

H1095-0067

MWS Alexander

SUMMARY OF EVIDENCE OF

O T T O S O M A N N

WITNESS FOR THE GESTAPO TAKEN BEFORE

A COMMISSION ON

27 MAY 1946 - TRANSCRIPT PAGES 168-179

SUBJECT: Jurisdiction and Functions of the Zollgrenzschutz (Custom Border Protection)

The witness, a farmer by occupation, became a member of the Nazi Party in 1927 and a member of the SS in 1931. In 1934, he joined the Oberabschnitt Nord as a Wachtfuehrer. In 1936 he transferred to the SD Oberabschnitt Nord in Stettin. During 1938 and 1939 he served in Liegnitz, Silesia and from 1940 to 1943 in Breslau and Hamburg. In 1943, he became inspector of the Sipo in Wiesbaden, and in July of 1944, Himmler gave him permission to take charge of the Zollgrenzschutz as inspector. (Pp. 168-16

I. Activities Relating to Article 6 of the Charter

1. Position, Development and Transfer of the Zollgrenzschutz to the Gestapo

The Zollgrenzschutz was annexed to Amt IV of the Reich Main Security Office because Himmler wished to take this work under his jurisdiction. When Geheimrat Hausfeld, a predecessor of the witness as head of the Zollgrenzschutz, was arrested in connection with the incident of 20 July 1944, Himmler was given authority over customs border work. As Inspector, it was the witness' task to carry out this transfer of the Zollgrenzschutz. One half of the office was to remain under the jurisdiction of the Reich Finance Administration, but everyone on duty in the country (waters, lakes, rivers, and so on) was to be transferred into the Order Police. (P. 169).

In the summer of 1944, there were about 54,000 men in the Zollgrenzschutz. About 25,000 of these, then, were placed under the jurisdiction of the Gestapo. (P. 170).

After the Zollgrenzschutz was taken over by the Gestapo, there was no change in the activities of its members. The witness did not believe that the work of the Zollgrenzschutz would ever be changed because duties at the frontiers would always remain the same. Most of the transferred employees were not issued new credentials, nor were their credentials altered to show that they now came under the Sipo. (Pp. 170-171).

The witness testified that the first step in the transfer of the Zollgrenzschutz to the Gestapo was to get a complete report of the numerical strength of this service. This required several months. Toward the end of 1944, German retreat movements became so precipitous that a complete transfer was never possible. Doenitz' Government, on the 2nd or 3rd May 1945, ordered the witness once again to put the Zollgrenzschutz under the Reich Finance Administration. (Pp. 171-172).

On cross-examination, the witness estimated that the transfer was about 50% completed. (P. 173).

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On cross-examination, the witness testified that the local units of the Zollgrenzschutz were only indirectly subject to the orders of local higher SS and police officials. During re-direct examination, the witness changed this testimony so as to admit that since 1944, when he was placed in charge, members of the Zollgrenzschutz were directly under the orders of the Reichsfuehrer SS and his office. (Pp. 175-176).

The witness from his office in Berlin had no contact with local offices. His only contact was with offices to which he himself assigned groups, such as the Water Protective Police and the Wehrmacht, whose orders the witness had to carry out. (P. 175).

2. Functions of the Zollgrenzschutz

The Zollgrenzschutz enforced the performance of border regulations with respect to customs. In cases where there was no Border Police force, this organization inspected the credentials of people crossing the border and prohibited the smuggling of propaganda into Germany. (P. 170).

On cross-examination, the witness testified that members of the Zollgrenzschutz were employed in the occupied countries of the West. When the witness took over the office, there were units as far south as the Spanish border. These groups received orders from the Wehrmacht but, to the witness' knowledge, they did not receive orders from the RSHA. At the order of the Wehrmacht, they had the same mission as the Border Police, including the power to arrest people at the border. In this work at the border, Zollgrenzschutz employees cooperated with members of the SD, so that if it became known that in a particular zone there was a great deal of illegal border crossing, the Zollgrenzschutz and the SD worked together to prevent it. The witness did not know, however, whether the people arrested by the Zollgrenzschutz were handed over to the SD. (P. 174).

The questioning by prosecution counsel developed the fact that the Zollgrenzschutz helped to guard the borders, but that the witness did not know to what extent arrests were actually made. He testified that if anything special had taken place, a report would have been made to the higher offices by the lower units of the Zollgrenzschutz. However, to the best of the witness' knowledge, no telegram was sent to the inspector when people were arrested at the border. He could not explain a telegram which was sent on the occasion of the arrest of Yugoslav diplomats who tried to get across the border (telegram # 6143, 6 April 1941). The witness pointed out the fact that this telegram was sent three years before he took over the Zollgrenzschutz. He was not sure, but he did not believe, that the inspectors in 1941 received instructions from Schellenberg or Mueller.

3. Members of the Zollgrenzschutz Were Not Actual Members of the Gestapo

It could not truly be said that employees of the Zollgrenzschutz were Gestapo men. The transfer was never carried through and the members were never given any orders or tasks such as were incumbent upon Gestapo men. It was true that the men were informed by their chiefs of the change of the various departments but the Zollgrenzschutz was an old institution and its duties remained clear and distinct from those of the Gestapo. (Pp. 172-173).

The witness admitted that it was possible that during the final retreat of the German army, the Zollgrenzschutz was used to help transfer prisoners back to the Reich. (P. 173).

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II. Evidence of Voluntary or Compulsory Membership

The transfer of some members of the Zollgrenzschutz from the jurisdiction of the Reich Finance Administration to the Gestapo was a group transfer. No individual members were asked whether or not they wanted to work in the Gestapo and none of them could do anything about the transfer. (P. 171).

III. Knowledge of Criminal Activities

The witness learnt for the first time of the attack on the radio station Gleiwitz when he was in prison after the end of the war. (P. 176)

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SUMMARY OF EVIDENCE OF

O T T O S O M A N N

WITNESS FOR THE GESTAPO TAKEN BEFORE

A COMMISSION ON

27 MAY 1946 - TRANSCRIPT PAGES 168-179

SUBJECT: The SD did not Receive Persons who had been Arrested by the Zollgrenzschutz

During the course of his testimony, the witness gave evidence for the SD.

I. Activities Relating to Article 6 of the Charter

The witness testified that it was not part of the task of the SD to arrest people or take over people who had been arrested by other organizations. It was purely an information and intelligence service having nothi to do with policemen. The witness said that during the time he was in charge of the SD zones of Lignitz, Breslau and Hamburg, the SD had no prisons there. The SD did not examine people who had been arrested. Therefore, he concluded that any statement which indicated that any person arrested by the Zollgrenzschutz had been handed over to the SD must have been a mistake. He believed that such people were either turned over to the police or to the Wehrmacht. The prosecuting attorney desired a recess so that he might procure a document which he believed would contradict this conclusion of the witness, but the Commissioner ruled that such questions should be asked of another witness. (Pp. 177-178).

Summarized by: J.S. CONWAY

H1095 - 0071

SUMMARY OF EVIDENCE OF JOHANNES STEIN

WITNESS FOR THE SS, TAKEN BEFORE A

COMMISSION ON THE 23 OF MAY

TRANSCRIPT PAGE 94

SUBJECT: AMTSGRUPPE D (Concentration Camps) of the WVHA (Economic and Administrative Main Office).

Witness was personnel expert in the WVHA and was specially concerned with the administration of the Waffen-SS. (Page 94).

I. Activities relating to Article 6 of the Charter.

1. Structure of the WVHA.

The WVHA had five subsidiary groups or Amtsgruppen, A, B. C, D. and W. A and B were the administration of the Waffen-SS. C dealt with buildings and works for the whole SS, and W with "economic enterprises". Amtsgruppe D was in charge of concentration camps (Page 95). The whole WVHA was under Obergruppenfuehrer Pohl but the Amtsgruppen operated independently of each other.

2. Concentration Camps.

Concentration Camps. Amtsgruppe D in particular was stationed at Oranienberg (Page 96) and had its own administration and communications. Neither the Waffen-SS nor the Allgemeine-SS could give orders to Amtsgruppe D. Committal or release to concentration camps was a matter for the RSHA (Page 98).

II. Knowledge of Criminal Activities.

In view of its independent operations the activities of Amtsgruppe D were always kept secret from the remaining groups (Page 96). No personnel was exchanged between Amtsgruppe D and other offices. The Staff came from the Totenkopf formations and personnel of the Inspectorate of concentration camps (Page 98). Witness admitted in cross examination that although other Amtsgruppen of the WVHA might not know the details of its work, they were aware that Amtsgruppe D was in charge of the administration of concentration camps (Page 98).

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG

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H1095 - 0072

SUMMARY OF EVIDENCE OF FRANZ STRAUB WITNESS

FOR THE GESTAPO ORGANIZATION TAKEN

BEFORE A COMMISSION ON

17 JUNE 1946 TRANSCRIPT PAGES 1326 - 1331

20 JUNE 1946 TRANSCRIPT PAGES 1446 - 1483

21 JUNE 1946 TRANSCRIPT PAGES 1555 - 1603

SUBJECT: Organization, tasks, activities and duties of the Security Police in Belgium and Northern France from 1941 to 1944.

Witness was taken into the police system of Munich in 1913. He entered the Administrative Police of same city in 1917. In 1932 he transferred to the Criminal Police Department and was ordered to Passu as Commander of the Frontier Protection Police. In 1937 he transferred from the Bavarian Service into the Reich Service and stayed for one year in Frontier Police work. In 1938 he was brought to Munich and employed in police security work and at outbreak of war was drafted into the Security Department Command 7 with the rank of Senior Inspector. He was discharged from this unit on June 13, 1940 and sent to Belgium with the Security Police Commander. In 1943 he became Criminal Director. He remained in Belgium until German retreat on September 2, 1944 when he went to Munich on a special mission which could not be carried out for lack of personnel. That was his last task as a Civil Servant. He became a member of the Nazi Party on May 1937 and in 1939 under the "coordinating decree" received the rank of Hauptsturmfuehrer and became Sturmbannfuehrer in the SS when he was promoted to Criminal Director in the Gestapo.

I. Activities Relating to Article 6 of the Charter

1. Organization and development of police work in Belgium and Northern France during the period of occupation

The Military Commander for Belgium and Northern France was appointed in May 1940. Police matters on his staff came under Military Administration in a sub-division called the Group Police which concerned itself with instructions issued to the Superior Military Commandos, the Security Police and the Belgian Police. The executive work was carried out by the Secret Military Police.

The Secret Military Police was subordinate to the High Command and on a lower level to the High Command of the Ground Troops and of the Navy and of the Air Force and came within the jurisdiction of the Military Commanders. For the purpose of the police work a commando of 25 men had been transferred by the Chief of the Security Police to the Military Administration. About 16 or 20 of these were members of the Security Police and SD and some were men who had been conscripted for war service. This office was first called the Office of Secret Military Police SS (meaning Security Police).

In July 1940 the Military Commander asked Heydrich to augment this force and the office was increased to 250 men. It was then known as the Office of the Deputy of the Chief of Security Police. The breakdown of this office was approximately as follows: 90 members of the Security Police; 50 or 60 members of the SD; and the remainder, transportation personnel, auxiliary personnel, and women members.

The Office of the Superior SS and Police Leader was instituted in Brussels in May 1942. The Office of the Security Police and SD in

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Belgium and Northern France, after it had taken over the Secret Military Police, contained 8 groups of 100 men each. The office was first a Registered Immigrant and Marxist Office. Later it became occupied in the fight against the resistance movement and in 1941 executive authority was handled exclusively by the Secret Military Police. The Security Police, who were under the jurisdiction of the Military Commander in Belgium and Northern France, had to evaluate the results obtained and report to Part II Department Four of the RSHA and to Departments Six and Seven. With respect to evaluation of this information and in personnel matters the Security Police was subordinate to the RSHA but as to special work it came under the jurisdiction of the Military Commander. Orders of the RSHA were received by the Military Commander but the witness was convinced that such orders were first discussed with the Military Commander or with Military Administration before they were passed on to the Security Police.

On cross examination the witness testified that his early work in the 25 men commando, consisting in finding out documents of the immigration organization and the marxist organization, was completely non-executive in character. The immigrants' organizations in question were some 30 in number and were potential political dynamite. They were requested to discontinue their political activities and to organize in to national groups. Military authorities ordered the elimination of certain personalities who did not fit into the framework of the new immigrants. The Secret Field Police were used to carry out the necessary arrests and the SIPO confined its activities to intelligence service work merely. Later when the Secret Police became too busy to carry out its own tasks the SIPO was authorized by the military in certain instances to carry out executions. The Security Police gained executive powers gradually starting around 1940 and it was contemplated that they should take over the total executive power around the middle of 1944 with the appointment of a higher Police Leader.

The first head of the SIPO and SD in Belgium and Northern France was Thomas. He was relieved of his office in 1941 and the man in charge of the Brussels office became Deputy Chief of the SIPO and SD with the Military Government in Belgium and Northern France. He was subordinate both to the Chief of the SIPO, the Security Police, and to the head of Military Operations in Belgium. From the Military Chief he received his orders for actual work.

There were 6 departments in the office of the Deputy Chief and the Security Police: Department One had charge of Administration and Personnel; Department Two, Enemies of the ideology; Department Three, Living Areas; Department Four, Gestapo; Department Five, Criminal Police; Department Six, Foreign Intelligence Service. In Department One there were administrative officials. In Department Two there were SA Fuehrers and some Criminal Police. In Department Three there were SA Fuehrers. In Department Four there were Gestapo officials and members. In Department Five there were Criminal Police. In Department Six there were SD members.

There existed in Belgium and Northern France independent Belgian and French police forces which were under the Governments of those countries and with whom the Occupation Police worked. These national police received their orders from the Police Department of the Military Government, and there was a liaison man from the Belgian police at the offices of the Military Government and the Security Police.

When it became apparent that the Secret Field Police could not handle executive functions in addition to its own work, executive powers were transferred in individual cases to the Security Police. When Supreme SS and Political Leaders were appointed and the functions of the Secret Field Police were transferred to their department, it was intended that the Security Police would then officially have executive powers. This never became an accomplished fact because the invasion took place before

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the completion of the transfer and executive functions had to be transferred back to the Secret Field Police. Even after executive police functions had been transferred to the Security Police, the Chief of Military Operations retained competence in such matters as defense against espionage and defense of the physical security of the troops.

Security Policemen carried pistols and carbines and in 1942 and 1943 they had machine pistols which had been taken from those which were dropped by English pilots for the resistance movement in Belgium.

There was a general confusion in the minds of the people and also of the authorities with respect to police organizations. The Gestapo were generally designated whenever anyone intended to refer to a German police organization and as a result the Gestapo was held responsible for everything that happened. There was little concept of the detailed tasks of the Gestapo. This confusion was aggravated by the fact that some unlawful gangs used the Gestapo designation in permitting arrests, mistreatments and other punishable acts.

Gestapo employees who were guilty of punishable offenses were brought to justice at the SS courts which were much more severe than the general courts. The severity with which illegal actions would be punished was made known throughout all offices and was read to candidates during their training period.

Gestapo had nothing to do with the recruiting of foreign laborers in Northern France and Belgium. This matter was handled by the sub-offices of Sauckel.

Since there were no prisoner-of-war camps in Belgium or Northern France, there were no special screening units of Gestapo to segregate those who were racially or politically undesirable.

The "nacht und nebel decree" was issued to and carried out by the military courts and deportations under this decree were performed by the Frontier Police.

Witness received Hitler's or Keitel's decree about NN execution and it was known through office of the witness. They had no special sub-section called the NN Section. This decree was sent to their office even though the execution of the order was primarily a function of the military courts because the Gestapo was concerned with interrogations of people who had been classified by the courts as falling within the NN Order. In these cases the Gestapo knew that they were not to give any information to relatives of the prisoners and that no one was to talk about such cases.

The witness did not hear of the "decree bullet" until he came to the Nurnberg jail. While witness was in Belgium he learned nothing of the execution of the "commando decree". The carrying out of this decree was exclusively in the hands of the Secret Field Police.

The Gestapo had no orders for the killing of prisoners to prevent their liberation by the Allies, nor did he know anything of the confiscation and distribution of private property by the Gestapo.

Gestapo relations with church authorities, including specifically the Cardinal of Mecheln, were excellent.

2. Prisons in Belgium during period of occupation - administration, guarding, treatment of prisoners and classes of inmates

People arrested by the Security Police in Belgium and Northern France were first taken to military prisons and then before military courts-martials. When there was an overflow at the military prisons

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these people were taken to the camp at Breendonk. This camp was administered and guarded by a special commando staff of the Military Government. The camp location had been selected by the Security Police at the request of the Military Government. The witness denied the accuracy of Document 276 R.F. 239 which attributed the administration of the camp at Breendonk to the Gestapo. On cross examination witness admitted that Gestapo did visit the camp on official business when there were arrestees there whom they wished to interrogate. Document U.K. 76, page 3 which claimed that many communists were at this camp was not accurate because communists had not been sent there as such but only if they belonged to bands which had committed violence against Germany's occupying forces. Capacity of the camp was not more than 500 people and compulsory labor was required of those who were fit to work. During the winter of 1941 some complaints reached Military Government regarding mistreatment and a commission was appointed to investigate conditions at the camp. The Security Police never interfered with the administration of the camp. The camp was used for the temporary detention of people who had committed crimes against the occupying power and for people who were sent there for short terms of protective custody. When Gestapo sent witnesses to Breendonk they did not send orders to the camp commandant with the prisoners but the camp did receive a copy of the arrest announcement which contained a brief statement as to the cause of arrest. From this statement the commander of a camp could tell when a particularly dangerous prisoner was being sent to him.

Executions at the camp at Breendonk were only those ordered by military courts and were carried out by military units. Gestapo had no part in these executions. Witness was shown Document U.K. 76, page 2 which stated that 250 prisoners had died from starvation and mistreatment and that 450 had been shot and 12 hanged. He did not know the number of executions nor of instances of mistreatment. He did know of the outbreak of epidemics at the camp. He was ignorant of any collective fines that might have been imposed on the prisoners but stated that such levies could have originated with the camp director only. He had no knowledge of the accuracy of Document U.K. 76 which mentioned an order which compelled prisoners to crawl under the bed and cites other mistreatments. He thought that perhaps the prisoners who wore hoods over their heads in their cells were members of the resistance movement who had donned these coverings so that other prisoners should not recognize them.

There was a special unit of a special court at Breendonk which sent its prisoners there. These had been guilty of a particular secret crime and it was deemed necessary to conceal the identity of these prisoners from the other prisoners. Perhaps hoods were worn by these.

The witness had no satisfactory knowledge regarding the claim of Document U.K. 76, page 16 that Breendonk was worse than concentration camps in Germany. He never heard of any prisoners having been thrown into a ditch at the camp and was sure that word of such incidents would have reached the Military Commander. He knew of no complaints regarding mistreatment of prisoners who were interrogated at Breendonk as was stated in Document U.K. 76, page 12. There were two interrogation rooms there furnished like any other Civil Service offices but no torture chambers of which witness knew.

Prisoners were transferred to Breendonk by the entire Security Police throughout all Belgium and France but they were only sent there when Army prisons had no room and in addition to the Security Police, Secret Field Police, the Field Gendarmerie, and a special unit called "rote kapelle" sent prisoners to this camp. Any of these police authorities had to procure proper authority in order to conduct a third degree. Application had to be made in writing and reasons stated. An application by telephone would have had to be through public telephone and over Belgian lines. The witness did not believe that applications were made this way. There were no specific SIPO or SD prisons in Belgium or Northern France. There were no concentration camps in Belgium or in Northern France.

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In Brussels the chief of the office authorized third degrees. In outlying sections the chiefs of the local offices and later their successors, the commandos, and the Security Police authorized these actions. There were no more than 50 such interrogations during the time the witness was in Belgium and it is conceivable that some interrogations which were authorized did not take place. The most severe authorized measures were the withdrawal of a meal, manacles, and beating with a stick. The number of strokes administered was limited and if more than 10 were given a physician had to be present. The witness believed that an outside limit of 15 or 25 strokes was set.

On redirect examination the witness stated that the order requiring the arrest of a Jew was obligatory on each member of the Gestapo but a directive pertaining to third degree methods in the case of an individual prisoner was discretionary and it was within the judgment and choice of the person handling the case whether or not third degree should be employed.

Security Police offices had no torture cells although they did have arrest cells. It would have been impossible to hide tortures from the public because police offices were converted apartment buildings which were always under the scrutiny of the public. Prisoners kept at the police offices were fed regularly and treated well. Every arrest ordered by the Military Commander had to be noted on 7 copies and one of these was sent to the Belgian police. No police dogs were used against prisoners. There was no Gestapo Headquarters in Armentieres as was mentioned on page 1306 of the German record. The only such office in Northern France was in Lille. It follows that the reference on page 3308 of the German record to a torture cell in Valenciennes was inaccurate. There was no one named Stanis (mentioned on page 15 of Document F. 560 R.F. 305) in either the Gestapo or Security Police organizations and there was no Gestapo office in Arras nor any Habener Loos (mentioned on page 16 of the same document).

The Feldpolizei (mentioned on page 19 of Document F. 560 R.F. 305) had nothing to do with the Security Police.

There was no office of the Security Police in Tourquois or in Courdray as is stated in Document F. 571 R.F. 307 and there was no Gestapo office in Boulogne (stated on page 27). The reference on page 30 to police in civilian clothing might refer to the Secret Field Police, to the Counter Intelligence, to specially assigned troops as well as to Gestapomen.

The witness flatly denied the following charge in Chapter II, page 80 of Document U.K. 76 R.S. 329: "We can actually say that no one arrested by the Gestapo has excaped mistreatment." No one ever made any statement that he received such treatment at the hands of the police. The witness knew that such excesses were beyond the mental makeup of the professional policemen and there are as many witnesses against the quoted statement in this document as there are adults in Belgium. Third degree interrogations were prohibited by law in the case of women prisoners.

The order referred to in Document F. 673 R.F. 392 from Keitel, dated August 18, 1944, ordering the ceasing of proceedings against saboteurs and other non-German civilians unless their actions endangered the security and efficiency of the occupying forces and requiring the handing over of prisoners whose actions did not so endanger the Germans together with appropriate files to the local office of the SIPO and SD was not received by the SIPO in Belgium. The reason for this might have been that the order was issued on August 18 and German forces left Belgium on September 2. The crimes referred to in F. 641 A, R.F. 320, involved the Geheime Feld Polizei, an organization quite different from but often confused with the Gestapo. This document refers to Section 530 of the Geheime Feld Polizei (Secret Field Police) which was never transferred to the Gestapo.

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On cross examination the witness said that he knew nothing of the shooting of 15 hostages in Charlerois and Gent on 18 August and 23 August 1944 by order of the Higher SS and Police Leader, as is found on the first page of Document F - 680 B, R.F. 290 B.

3. Treatment of the Jews in occupied Belgium and in Northern France

The evacuation of the Jews from Belgium and Northern France was handled by Department Two of the Deputy Chief of Security Police which dealt with matters involving enemies of the ideology. After May 1943 Department Two was dissolved and matters pertaining to Jews, Free Masons, and the churches were transferred to Department Four which was the Gestapo. Section Eichmann was in executive charge of this project. In Brussels the Jewish Committee was active in taking care of the personal affairs of the deportees and in providing clothing and food supplies during transportation. It was Department Two which transferred the Jewish people to the camp at Mecheln. Toward the end of 1940 or early 1941 Jews were told to report at a certain place and it was believed that these people were to be used as labor for the reconstruction of the East. Neither witness nor his associates ever discussed the final solution of the general Jewish problem. The Security Police in Belgium did not confiscate the property or fortunes of the Jews. The confiscation of this property as well as other "enemy fortunes" was with Group Twelve of the Military Administration.

The witness never saw a transport which was being used for the deportation of Jews but he was informed that such transports were well equipped and that the Jewish Committee was instrumental in providing for the health and comfort of the deportees. Up till May 1943 Department Two had charge of these transports and after that date a special group composed of "Volksdeutsch" shared the administration of the transports with the Order Police.

The Jewish Committee was allowed to open homes for children and sick people. This was a violation of orders issued by Eichmann. In addition, orders of Himmler were disobeyed when 600 - 800 Jews were left in the camp at Mecheln when German troops left. The witness himself was instrumental in this lenient action.

Prior to the establishment of the camp for Jewish people at Mecheln, Jews were kept in Breendonk as a concentration point from which to emigrate. The witness had no specific grounds for disagreeing with the statement on page 3 of Document U.K. 76 that more severe regulations were applied to Jews than to other prisoners but he could not imagine why that should be.

Witness only learned of the 1938 anti-Jewish demonstrations when he came to the office in Munich the following day. Like any other Gestapo officials, he was entirely uninformed in advance of these events.

II. Evidence of Voluntary or Compulsory Membership

Members of the Security Police and SD who worked with the occupation forces in Germany were professional Civil Servants who had been ordered to their posts. These Civil Servants could not volunteer nor could they refuse to serve. The witness believed that the same holds good with respect to members of the SD who were also serving in Belgium and in France. With respect to the witness' own feelings in the matter, he did not see any reason in 1937 to resign from his regular professional career. Witness knew that a few police of Munich were drafted at the outbreak of war into the Secret Field Police and that during the war many members of the police were recruited and put into the Secret Field Police. In his commando in June 1940 when he arrived in Belgium there were ten other former members of the police. Most of

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them did hold important positions and within a month after his arrival the whole group was transferred from the Secret Field Police to the SIPO.

It was true that technically speaking witness could have resigned on a pension in 1938 at the time he learned of the anti-Jewish demonstrations, but as a practical matter had he done so he would have forfeited his pension because his pension application had to be approved and approval would never have been granted as long as the police needed a large number of people.

III. Knowledge of Criminal Activities

On cross examination the witness admitted that when he was with the Gestapo in Germany he knew that the Gestapo was sending persons to concentration camps. He knew of the existence of camps at Dachau, Sachsenhausen, Oranienburg, Mauthausen, and Auschwitz and that the SD in the beginning and later the Gestapo in Belgium arrested perfectly innocent people because they were Jews and sent them to prison.

He defined a criminal organization as one which was organized to commit crimes. He admitted that an organization which tortured people, stole their property and sent innocent people to prison was indulging in crimes but he would not concede that it was characteristic criminality to merely deport people to concentration camps unless it was done with the intent of bringing harm to them. He drew the distinction which he thought was important that people who in Belgium and France were taken from their homes and deported were not sent away (the Gestapo thought) for life but merely for a time and in order to use them in labor. He himself was opposed to such treatment of the race and religious question but in the presence of a declared State emergency did not feel that he could take a stand against it. He said that he did not dare to pass judgment with respect to the criminality of the actions of the Gestapo and SD toward the Jewish people and the churches. He believed the question of the necessity of confiscation of property of Jews was a political interpretation on which he was incapable of forming a judgment. He maintained that the Gestapo was merely an intermediary for the carrying out of orders and that it had no means to determine whether they were legal or criminal. He did not believe that the criminality of these matters could be ascertained in the light of the conscience of the individuals comprising the Gestapo because they had no choice other than to obey, be court-martialed, or be sent into front line combat. With respect to the use of the third degree method of interrogation, it had for its purpose the determination of suspected organizations. It was not for the gathering of information against the individual himself. It was not punishment of the individual in any sense of the word even though an individual might be forced to undergo a flogging of 15 or 25 strokes. Asked whether this type of treatment was torture, if not punishment, he said he would have to consult a physician as to whether it should be called torture.

Summarized by: J. S. CONWAY

H1095-0079

SUMMARY OF EVIDENCE OF HANS TESMER

WITNESS FOR THE GESTAPO ORGANIZATION

TAKEN BEFORE A COMMISSION ON

28 JUNE 1946 TRANSCRIPT PAGES 2097 TO 2121

SUBJECT: Organization of Gestapo, with particular reference to Recruitment of Personnel.

Witness joined Gestapo on 15 March 1934. At first he was concerned with law and administrative matters. From March 1936 until he left the Gestapo in June 1940 he held the position of personal referendary. He originally held this position in the Prussian District but was later transferred to the Berlin main office.

I. Activities Relating to Article 6 of the Charter

1. Various Categories of Gestapo Employees

Witness held position of personal referendary in Gestapo from 1936 until 1940. By virtue of this position he was in charge of employment, advancement and discipline of all Gestapo personnel.

Members of the Gestapo were comprised of Civil Servants and non-Civil Servants. The Civil Servants were divided into two groups---(1) Administrative Group and (2) Group that carried out various actions and worked in the field---Vollzugsbeamte (Executive). The former group took care of administrative matters, such as pay, clothing, food, etc. The latter group worked in the field, making arrests, searching, securing confessions, etc. The administrative employees were under the jurisdiction of the Reich Civil Service law while the executive employees were under the law of police. As a general rule, the administrative employees were never used for executive duties.

2. The Recruiting of Personnel

When the Gestapo was formed in 1933, the members of the executive group were obtained from the political departments of the police. The administrative employees were obtained from the administrative groups of the Police Department. Inasmuch as the new organization of the Gestapo was put on a permanent basis, no members were hired from other organizations, such as the SS, etc. The men transferred to the Gestapo were not necessarily members of the Party or the SS. The only qualification required of them was that pertaining to their personal character and expert knowledge.

Replacements were derived from (1) Police Groups, mainly from the Criminal Police, and (2) Civil Servant applicants for executive positions.

Civil Servants did not volunteer for work with the Gestapo but were sent to the Gestapo on temporary duty. This was later changed into an official transfer. There was no possibility of a member protesting against his transfer. According to German Civil Service law, every Civil Servant was required to comply with any orders with regard to transfers. If anyone had refused to be transferred, disciplinary action would have been instituted against him. As a general rule, it was not possible for a person to be transferred back to his old organization. Before the war an employee had the right to leave the Gestapo voluntarily as did any Civil Servant but if he did so he lost all advantages which had accrued to him as a Civil Servant. After the war all employees were considered essential and it was necessary to obtain the approval of the employment office in order to obtain a release. This approval was practically never given.

The administrative employees did secondary work, such as technicians,

teletypists, etc. When they were hired, SS men and Party men were given some preference, if all qualifications were equal. However, later many Party men saw a better chance for advancement in outside industry and attempted to leave the Gestapo. In the beginning about 70 percent of the employees were Civil Servants but as time elapsed this figure decreased and at the commencement of the war they only constituted about 50 percent of the entire employees. In 1933 there were about 40 administrative officers, 200 executive officers and 70 employees attached to the Gestapo. In 1940 this figure had grown to a total of 20,000—17,000 were administrative personnel, 11,000 were executive personnel and 8,000 were employees.

Witness didn't know of a single person who desired to leave the Gestapo because of any criminal goals or actions. He himself handled disciplinary matters relating to the executive officers—for example, two men at one time were sentenced to Dusseldorf for one and a half years because of their mistreatment of prisoners. When cases such as this became known in official circles they were always investigated and the people involved punished.

3. Transfer of the Gestapo to SS

In 1936 or 1937 witness received an order from the Gestapo Main Section Chief, Hauptabteilungsleiter Heydrich, to make certain changes within the Gestapo in the interests of obtaining uniformity of the entire Security Police. Therefore, an equalization of rank designations was achieved by inducting members of the Gestapo into the SS. Witness stated that the main effect of the transfer was that Gestapo members were then allowed to wear SS uniforms.

On cross examination witness testified that Dr. Best was his Main Section Chief in the Office of Security Administration and Law. Excerpts from his book "Die Deutsche Polizei" were read to the witness.

> "After the National Socialist regime, during which time the SS took a large part in carrying out the measures necessary for the seizing of power by the NSDAP, the SS, at least indirectly, became responsible for new duties. On 2 April 1933, the Reichsfuehrer SS was appointed political police commander for Bavaria. Corresponding appointments were made in the following months in all the remaining German provinces. On 20 April 1934, I was appointed Deputy Chief of the Secret State Police, proceeded by the Prussian Minister President Goering who further designated himself chief of the Secret State Police. In order to build up an independent and powerful police force, the like of which had not hitherto existed in Germany regular officials of the former police force on the one hand, and members of the SS on the other hand were brought in with the uncompromising fighting spirit of the SS. The new organizations took up the struggle against enemies of the people, and the state, for the safe-guarding of the National Socialist Leadership and order. The members of the political police who were, for the time being, still the political police of the individual German provinces, were included into the SS in increasing numbers so that, in time, for the first time, mutual amalgamations of the SS and police was accomplished."

Witness stated that the above description is correct wherein the connection between the Reichsfuehrer SS and police was described but he did not agree with the part wherein it stated that the Gestapo and later Security Police was to become a part of the SS. Another excerpt from the book was read:

> "Thus the SS and the police formed one unit, both in their structure and in their activity, although their individual organizations have not lost their true individuality and their position in the larger party and state administration, with which they are concerned from other points of view."

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Witness stated that he had already explained that it had been considered desirable to create a uniform Security Police. An equalization of rank was, therefore, established. The entire transfer into the SS was only a formality. In his personal opinion it was done primarily so that the Gestapo officials could wear the SS uniform. Under the equalization of rank order, members of the Gestapo had to file a written application in order to join the SS. The applications were then examined to ascertain if the person was acceptable from a physical standpoint, racial standpoint, etc. The decree, relative to the acceptance of members of the Security Police into the SS, was dated 23 June 1938. Witness emphasized that there was no pressure exerted on the men to join the SS but that it was always "pointed out that it was a necessity so far as duties were concerned."

4. Labor Recruits

Witness testified that labor recruits were used during the war. Due to the loss of personnel because of transfers to new organizations and sections, to fill these places labor recuits as well as retired Civil Service workers were utilized. The labor recruits could not protest their transfer into the Gestapo. Their affiliations with the Party or organization were not checked. They did not come to the Gestapo voluntarily but only because of laws and directives. This measure was characterized by the witness as being "an absolute necessity".

In conclusion, a page of the trial transcript was read, suggesting that all purely office jobs of the Gestapo—among these the typists, the house administrators, the janitors, etc.—be exempted. Witness stated that he placed all non-Civil Service employees and assistants in this category.

Summarized by:

D. M. HUNT

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H1095 - 0082

SUMMARY OF EVIDENCE OF EBERHARD VON THADDEN

WITNESS FOR THE SS ORGANIZATION TAKEN

BEFORE A COMMISSION ON THE 11TH JUNE 1946

TRANSCRIPT PAGES 1157 TO 1180 AND

1088 TO 1125.

SUBJECT: Concentration Camps and the Eichmann Scheme. The Treatment and Deportation of Jews.

(Witness was apparently called to show that the German Foreign Office in their investigations on behalf of neutral countries and the Red Cross discovered no evidence of mass extermination by the SS. Eichmann and Himmler kept their activities in this respect secret and they were not known to the Foreign Office or to the SS as a whole.)

Note: In this connection see the evidence of Wisliceny, transcript pages 571-578, 787-849 and 948-959.

Witness was a Legation Counsellor, first class, in the German Foreign Office and was concerned with Jewish questions from April 1943 when he acted as liaison with Amt 4 of the RSHA (Eichmann). He was an honorary member of the SS and a member of the Party (Page 1158). He denied that his position as advisor on Jewish questions was connected with his membership in the SS.

I. Activities relating to Article 6 of the Charter.

1. Extermination ofJews - Intervention by Foreign Powers on behalf of Concentration Camp Inmates - Liaison with Eichmann - Visits to Belsen and Theresienstadt Camps - Transportation of Jews to Eastern Territory.

There was no intervention by Foreign Powers concerning the alleged mass murders of Jews from 1943 to 1945 while witness was in charge of Jewish affairs in the German Foreign Office (Page 1158). There was, however, some intervention on behalf of named persons, including English and Americans interned in concentration camps. Great difficulties were encountered in arranging the release of such persons since Eichmann declared that the lists of Jews had been destroyed by the bombing of Berlin (Page 1159). Eichmann also gave the excuse that it was impossible to release Jews who had worked in the armament industry because they might have acquired security information.

In 1943 Belsen was a Jewish camp where foreign Jews were placed to await repatriation or exchange (Page 1160). Von Thadden visited Belsen with a "Himmler Mission" and in the part of the camp reserved for Jews he found "good baths and good sanitation". He visited Theresienstadt in 1943, 1944 and again on the 6th and 8th of April, 1945. There was a Ghetto there of about 35,000 people guarded by the Czech Police and administered and controlled within by Jewish Police who were not liked according to one of the inmates because of their "sharpness". There were only 12 SS men with assistances in this Ghetto. The total number of doctors there was 900 (Page 1161) and there were old people's and children's homes.

A Red Cross representative, Dr. Lehner and a representative of the Protective Powers Delegation of the Swiss Council were present during the 1945 visit. In 1944 Dr. Rassel of the International Red Cross and representatives of the Danish Red Cross and Foreign Ministry accompanied

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witness. Rassel was allowed to photograph the Ghetto (Page 1162).

The Swedish Government intervened in the case of four Argentine Jewesses and in a number of other cases (Page 1167).

When the Russians occupied the concentration camp Maidenek in 1944 they reported that they had found evidence of mass murders. When he heard of this Eichmann said to this witness that this could not have been true "since the camp had been destroyed owing to its connection with the armament industry" (Page 1175).

Eichmann received all his orders directly from the Reichs Fuehrer SS and very often no answer was given to the witness's complaints (Page 1176).

In cross examination witness was shown Document PS-3319 - US 433, Page 31. (This was a letter signed by the witness stating that since the evacuation of Jews to the eastern territories could not take place at the present time, Jews from different occupied countries would remain in Buchenwald for the present. Jewesses and children were to go to Ravensbruck. Page 1094). Witness explained that the fact that the Gestapo was on the distribution of this letter did not mean they were connected with the operation. This was a security measure concerned with deportation and not with liquidation. The Jews in these camps were held there so they would be available if Foreign Powers "kicked up a fuss". Witness agreed that all higher SS and police leaders were informed of the contents of this letter (Page 1095).

Questioned concerning his statement that the Jews, especially during war time, were a danger to the State, witness stated that "safety measures were unavoidable against people who had now become enemies" (Page 1120).

2. Position of Eichmann in the RSHA - Speech by Witness to Amt Rosenberg on Anti-Jewish Measures.

Eichmann was not in the SS Main Office but in Amt 4 of the RSHA. He received all his orders from the Reichs Fuehrer SS. Consequently a complaint to Kaltenbrunner or Gruppenfuehrer Mueller of the GESTAPO was of no value since they were not informed of his activities either (Page 1176).

The Witness did not know whether Eichmann was ever a member of the SS or not. Certainly a few of his co-workers were members of the SS.

The witness explained his special reference to 3319-PS, US 433 and GB 287 as follows. Eichmann was unable to come to the meeting of the Amt Rosenberg and witness, therefore, made the speech on his behalf. The speech concerned the numbers of Jews to be deported to the East as well as various anti-Jewish executive measures to be carried out (Page 1177). By "anti-Jewish executive measures" he understood the "spreading of anti-Jewish measures and laws in foreign countries and the deportation of Jews for the duration of the war". (Page 1178). The proceedings of this meeting were supposed to be secret (see under Knowledge of Criminal Activities, paragraph II below).

In cross examination witness reiterated that Eichmann was a member of Amt 4 and that his position was "irregular" since he received all of his orders directly from Himmler (Page 1093).

II. Knowledge of Criminal Activities.

1. Rumors in the Foreign Press of Cremations at Theresienstadt.

The last visit to Theresienstadt referred to above, was occasioned by rumors in the foreign press that up to 6,000 Jews were being burned daily at the camp (Page 1160). Witness observed that there were only 2 or 3 ovens at the camp and that it would "have been impossible to burn more than a fraction of the number given". Witness therefore considered that the

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reports were false.

2. Concealment of Facts concerning Atrocities in Auschwitz by Eichmann.

Eichman prevented witness from going to Auschwitz for security reasons since secret weapons were being made there (Page 1163). He further said that the reports in the foreign press of exterminations in this camp were of an advantage since the camp "would not be attacked by enemy bombers". Eichmann assured the witness that these reports were untrue and that the Jews were properly cared for (Page 1164).

Witness then stated he now knows what happened at Auschwitz. "Eichmann lied to me quite well concerning everything." (Page 1165)

A discussion arose at this point as to how far the witness's own knowledge of these matters was relevant. The Defense Counsel claimed that since he was a very high official of the Foreign Office and an honorary member of the SS, the fact that he did not know of such atrocities and that Eichmann prevented him from getting any information, suggested that the SS as a whole knew nothing of them either (Page 1168).

3. Rumors Spread Abroad by Emigrating Jews.

A number of Jews were allowed to emigrate to foreign countries from Theresienstadt and Belsen. The emigration papers were very difficult to obtain since Eichmann was opposed to people leaving Germany who might "spread foreign propaganda". The Press Section of the Foreign Office was told to look out for such stories in the foreign press after the Jews had left Germany (Page 1165).

Witness considered the foreign press reports of mass liquidation were "impossible". There was at one time a scheme for settling Jews overseas and Eichmann told him repeatedly that since it could not be continued until after the war, the Jews would be held in camps to eliminate them as an espionage danger. (Page 1168). None of the Jews who were allowed to leave the country ever made any reports of atrocities.

The Foreign Office had considered the request of the American and British that 30,000 Jews should go to Palestine. There was never any suggestion that the reason why this plan could not be carried out was because the Jews had been exterminated.

(The Prosecution objected to the whole reference to the Palestine plan as irrelevant to the charges against the SS (Page 1169). The official reason given for abandoning the Palestine plan was that it would effect German policy towards the Arabs. Eichmann never told the witness that it would be impossible to execute the plan because the Jews had been killed long ago. (It did not appear to the Commissioner that much of the above testimony was relevant to the SS except insofar as it might be said that if Eichmann concealed his activities from the Foreign Office and only took orders from Himmler that he might have kept his activities secret from other departments in the SS).

4. Secrecy attached to the Activities of Eichmann and his co-workers r Access to foreign newspapers and radio.

Witness stated that the claim of the Prosecution that the "whole world" knew about the exterminations was not correct. In Germany the only people who could possibly have known about it were those closely connected with Eichmann and those who had access to foreign newspapers and radios. In any event the foreign reports were repudiated at the time by the officers concerned. The SS leaders and everyone else were prohibited from listening to foreign broadcasts except by special permission from Hitler. After 1941 only parts or clippings of foreign newspapers that especially related to the Jewish question were allowed in witness's office. They were classified Top

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Secret but could be discussed with foreign diplomats and allegations repudiated. These repudiations, however, were usually official reports by Himmler and Eichmann. Witness had no reasons to disbelieve. He did not think the German people as a whole could possibly have known. When he was interned at Recklinghaussen he was asked by numerous people who knew what his previous job at the Foreign Office had been, whether he thought such cases as the Hoess case were possible (Page 1174).

In cross examination the witness claimed that he had never heard of the declaration of the Jewish question issued by the Allied Powers on the 17th of December, 1942 although he admitted that he took over his job in the Foreign Office in April, 1943.

Asked what Ambassador Six meant by the"physical elimination of Eastern Jewry deprives Jewry of its biological reserves" (Page 1100), witness said that he could not remember this statement having been made and in any case it was in opposition to what he had said at the same meeting in April 1944.

Cross examined as to what he meant by "executive measures" against the Jews, witness said that this only referred to the transfer of Jews to work in camps. In this connection he had never contemplated liquidation (Page 1101). There were no other executive measures.

Witness had asked for the preparation of propaganda for the "comprehension amongst all nations of the executive measures against the Jews". This did not mean the acceptance of Streicher's doctrines of mass slaughter (Page 1102). Asked why he had stated in this speech that the "executive measures" were to be kept secret, witness said it was only the numbers of Jews to be deported that was kept secret.

The Prosecution pointed out that the SS Hauptsturmfuehrer Dr. Hallensiefen had reported on his experiences during the execution of anti-Jewish measures in Hungary and a letter was quoted dated the 20th of April, 1944 which stated that owing to their secret nature the statement made by witness and Hallensiefen (who belonged to Amt 7 of the RSHA) "had not been entered in the minutes (Page 1103). The reasons for this secrecy was in no way connected with any new and drastic measures by the RSHA (Page 1104).

Reference was made to a so-called Taglina Agreement. The witness denied that he knew this was concerned with the deportation of Jews to Roumania for liquidation. He agreed, however, that he always received reports and figures from Eichmann (Page 1105) but denied that he had heard of the liquidation of 110,000 Jews in 1941 on the Bug River. There was no connection between this incident and the sending of Himmler's orders by witness to all diplomatic representatives for the evacuation of Jews from nine different countries in Europe in October 1943 (Page 1106).

Further cross examined by the French, witness stated that the Foreign Office representatives had little to do with the taking of civil measures against the Jews. Witness stated that his recommendation to increase anti-Jewish propaganda abroad was done at the wish of Eichmann (Page 1111). Only 2 or 3 officials at the Foreign Office could have known about the proposed liquidation (Page 1112). The Foreign Secretary and Foreign Office knew only of the deportation (Page 1114). Reports on the killing of Jews were never sent to the Foreign Ministry (Page 1116). "Aryanization experts" sent their reports directly to the RSHA (Page 1117). The Reichs Fuehrer SS and Eichmann repeatedly denied that any liquidation took place.

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1095 – 0086

SUMMARY OF EVIDENCE OF KARL ULLRICH WITNESS

FOR THE SS ORGANIZATION TAKEN BEFORE

A COMMISSION ON 13 JUNE 1946

TRANSCRIPT PAGES 850 TO 881

SUBJECT: Waffen-SS as part of the Army subject to the same military orders as Army units and free from any participation in criminal combat methods or violations of the principles of war.

Witness entered the Reserve Corps on 8 January 1934 after having attended the SS Junker School at Braunschweig. He served from then on in the Engineer Corps of the SS as Platoon and Company Commander. That battalion was in the campaigns in Austria, the Sudetenland and Prague. He entered the Polish Campaign as Company Commander with the Reserve Troops of an Engineer Battalion. In 1940 he was in the Yugoslav Campaign. In 1941 to 1942 he was in the Russian Campaign. In 1942 he was in the occupation of southern France and from 1942 until the end of the war he was engaged in the East. By the end of the war he had become Commander of the SS Armored Division Viking. (p. 851)

I. Activities Relating to Article 6 of the Charter

1. Military character and duties of the Waffen-SS

From 1939 until the capitulation the Waffen-SS was part of the German Ground Forces and under the orders of the Army just as was every other Army outfit. (p. 853)

The morale of the Waffen-SS as a military group was particularly good because Waffen-SS members believed in the necessity of the war and all thought that the war was forced upon Germany. Thus all members saw in this job the fulfillment of the duties even if it meant the giving of their lives (p. 853). This belief in the necessity of war had not arisen until war began and it had not been part of the education of SS members to teach that war was absolutely necessary. The SS men had been taught that they had to be strong in order to avoid being attacked. Up until the very date that they went over the border they hoped that war could be prevented even though they were angered at newspaper reports of the mistreatment of Germans by the Poles. They believed that the occupation of Czechoslovakia had been agreed upon by the Chiefs of the States of Czechoslovakia and Germany. (p. 863)

There was no difference in the fighting methods between the Army and the Waffen-SS. The Waffen-SS did not indulge in terrorist measures. Any special evil reputation which the Waffen-SS may have gained was not due to savage conduct in battle or with respect to treatment of the enemy but was the result of enemy propaganda. (pp. 853, 854, 855, 864)

On cross examination the following statements of Himmler were read to the witness from Document 1919 P.S., as a refutation of his statement that their bad reputation was all due to enemy propaganda: "We have only one task, to stand firm, and carry on the national struggle without mercy;" and "I will now say again something which I have already today said to men elsewhere. We will never let the excellent record of dread and terrible reputation which preceded us in battle for Kharkov fade, but will constantly add a new meaning to it. They can call us what they like in the world, the main thing is that we are the eternally loyal, obedient, steadfast and unconquerable fighting men of

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the Germanic people and of the Fuehrer, the SS of the Germanic Reich." The witness believed that this meant simply that they had gone out to win the war. He did not see any connection with criminal activities. When pressed, he admitted that the clause, "the dread and terrible reputation which precedes us in battles", does sound like something which has to do with terror organizations. (pp. 865, 866)

The courts martial discipline within the Waffen-SS units was enforced by courts martial just as in other Army units. Prisoners of war were not handed to the SD but first to the interrogation units within the Division and then sent to the collection point by Waffen Military Police. The witness never saw instances of cooperation between his organization and the SD. (p. 864)

The relations between the troops and civilian population which they encountered in occupied territory were very good. The first scare which people usually had upon hearing that they were SS was quickly alleviated when the people observed that they conducted themselves like decent men. Witness learned from prisoners taken by his unit that their officers had told them that there was no pardon with the Waffen-SS. (p. 855)

There was no destruction of villages by the Waffen, except as a matter of war necessity and whenever it was necessary to fight within village limits efforts were made to transport civilians to the rear. These were not transported back to Germany as slave labor but just from the immediate area of the fighting. (p. 856)

Witness' unit was never used in anti-partisan warfare. He never saw any partisans on the front and when his outfit retired for a short while behind the line, partisans did not molest them because they were in mass formation. He remembered a single case of an attack upon a battalion officer and his staff who were coming from the rear with replacement units. Front line units believed that anti-partisan measures were military necessity in order to protect the troops at the front and to keep the road open for replacements. Witness was told this while on furlough when he visited a friend who was stationed at the Headquarters of the Reichsfuehrer. This friend was Chief of Section I A which had to do with anti-partisan activities.

Witness was transferred to the Totemkopf (death head) division in 1941.. This was after this unit had been taken away from concentration camp work. He never visited any concentration camps. He had met inmates of concentration camps on the road on several occasions but they told him that they were not allowed to give any information. The leader of a concentration camp guard unit likewise refused to give him information during a casual meeting.

On cross examination witness conceded that although his unit had never guarded concentration camps an elite organization was needed to guard such camps (p. 867). No elite organization was needed to run the murder factories at Auchwitz and other concentration camps. The witness read of SS men performing these concentration camp tasks after the capitulation.

The witness had a number of meetings with Himmler in 1941 and 1942 and also in 1943 Himmler visited the front lines for his own personal orientation. Again later in 1942 the witness stopped by at Himmler's Field Headquarters on his way to a furlough. In 1943 Himmler made a visit to the witness' unit in Kharkov and in July 1944 he met Himmler at Himmler's Field Headquarters on the occasion of a presentation of the Eichenlaub to the Ritterkreuz by Hitler. (p. 859)

Witness admitted on cross examination that he had received a complete training in Nazi ideology and ideas in the SS Junker School. This training was part of the education system in the Party Program. He considered Himmler's ideas and the interpretation of National Socialism

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as correct and he considered it his task as SS officer to influence his men towards these convictions. He himself had never seen or experienced or heard of the cooperation between the SS and the police troops in the Polish campaign but he was willing to concede that Himmler, when talking to the offic s of the Liebestandarte SS, told them the truth. The following excerpts from Document P.S. 1918 U.S.A. 304, Himmler's speech in Metz, were read to him: "Very frequently, the members of the Waffen-SS think about the deportation of this people here," (referring to the deportation of people in Alsace and in the Ruhr); "These thoughts came to me today when watching the very difficult work out there performed by the Security Police, supported by your men, who helped a great deal. Exactly the same thing happened in Poland in weather 40 degrees below zero, where we had to haul away thousands, ten thousands, hundred thousands; where we had to have the toughness - you should hear this but also forget it again immediately - to shoot thousands of leading Poles, where we had to have the toughness, otherwise it would have taken revenge on us later;" and "You will gladly admit, in many cases, it is much easier to go into combat with a company than to suppress and obstruct your population of low cultural level in some area with a company, or to carry out executions, or to haul away people."

II. Evidence of Voluntary or Compulsory Membership

The Waffen-SS was made up largely of pre-war volunteers and men that streamed into the Waffen-SS at the beginning of the war. Most of the officers and non-commissioned officers had been together in peace-time and entered combat together. The Waffen-SS for a time was a closed unit - a closed and cooperative group. (p. 860)

After 1943 drafted men entered the Waffen-SS. Witness testified that there were not many deserters but he could not say whether all who served with the Waffen, except for the deserters, did so voluntarily and willingly. He knew that war duty was a necessity for Germany and whether they wanted to or not they ad to stay. (p. 853)

III. Knowledge of Criminal Activities

Commissar Order became known to the witness' unit shortly before the beginning of the Eastern Campaign but it practically was never carried out. This was because usually prisoners had no designation of rank whatsoever and a Commissar could not be judged from other prisoners. Also the Waffen thought it was against human rights and all disciplinary ideas of the Army to give troops the right to shoot certain prisoners of war without trial and without interrogation. (p. 854)

Men of the witness' unit did not hear or know of extermination camps or of the extermination of Jews. From their position out front men and leaders did not secure any information and men who came to them as replacements might have been connected with guard outfits at these concentration or extermination camps but the members of the Waffen did not ask them of their past experiences or what they had seen in the rear. (p. 858)

With respect to the Einsatzkommandos or Command Groups of the SD and Security Police, the Waffen units knew and had heard that there were police and security outfits away in the rear. They regarded this as a necessity but had no knowledge of what these units did and had no information regarding them. No men from units with which the witness served had been transferred to the Einsatzkommandos or special task forces and witness personally never heard of anything like that being done. (pp. 858, 859)

On cross examination the witness was informed that a private in the Waffen-SS had testified that he had heard of the Einsatz Group as early as 1941. Witness did not know that Action Group A of the

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Einsatzkommandos was made up of 34 percent SS. This was called to his attention from Document L 180 U.S.A. 276, page 14 of the English translation. He stated that he had had the impression that the anti-partisan activity in the East was being conducted by Security Divisions of the Army Police Regiments and Police Battalions. He was not aware that these groups comprised exactly the makeup of the Einsatz Group. He had no knowledge of any reports made by these groups from May 1941 until May 1942 regarding their activities in slaughtering Jews and partisans. (pp. 868, 869)

On redirect examination it was elicited from the witness that an Army group in Russia occupied front line terrain to the extent of about 4 to 800 kilometers. On the assumption that Group A of the Einsatzkommandos of the SD which was responsible for the entire area of Army Corps North contained 1000 men in all and 330 of these were SS men, this was a negligible fraction of the SS men who would be fighting in that area.

At the time of the Roehm Purge in 1938 witness and his entire battalion were off on furlough and did not arrive back in Munich until the first of July when the entire thing was over. Therefore, witness had no first hand knowledge of it and did not know anything of the part carried out by the SS in this incident. The following statement from page 29 of Himmler's book, "the SS as an anti-Bolshevik fighting organization," was read to him: "I know that there are many people in Germany who become sick whenever they see these black coats. We understand the reason for this and we do not expect we shall be loved by the many." The witness had no comment to make regarding this statement.

The witness did not know of an order signed by Keitel, dated 13 May 1941, specifying special measures to be adopted in the area Barbarossa and he was not acquainted with the execution of these measures by the units. He was Battalion Commander at the time and was frequently stationed in villages. He never had occasion to carry out these measures since the population was good natured and decent and caused no difficulties. The document which set forth this order was 184 P.S. Witness did not consider this order a decent one because the Political Company Commissioners of the Red Army were soldiers, because it was detrimental to discipline to allow troops to shoot anybody at will, and because the Waffen-SS Commanders believed that these commissioners could give them much information upon interrogation. He never reported to the Higher Command that he was not carrying out this order. (pp. 875, 876)

He did not know of the order of 16 September 1941 concerning the action of fighting against Bolshevism and Communism in the occupied Eastern territories. This was Document 389 R-98. The following excerpt was read to the witness: "In order to suppress these machinations from the beginning, right on the first occasion, the strictest means have to be employed to insure the authority of the occupation forces and to prevent further spreading. Here also has to be considered that a human life in those countries affected often doesn't mean anything and a deterrent effect can only be achieved by extraordinary strength. As atonement for the life of one German soldier a penalty for 50-100 communists must be generally considered as proper." Witness said he was unfamiliar with this document. He repeated that the Waffen-SS was under Himmler only insofar as personnel orders were concerned.

Summarized by: J. S. CONWAY

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SUMMARY OF EVIDENCE OF HEINRICH VITZDMANN WITNESS FOR THE GESTAPO ORGANIZATION TAKEN BEFORE A COMMISSION ON 4 JUNE 1946 AT 1000 HOURS

TRANSCRIPT PAGES 648 TO 680

SUBJECT: 1. Part played by Gestapo in suppression of unauthorized Concentration Camp at Stettin (Vulken Werft)

2. Exoneration of the Gestapo from pogrom activities of November, 1938

Witness entered Prussian administration in 1922. In 1927 he became Regierungsrat working specially on police matters. In 1933 he was made Assistant Police Chief in Stettin but had nothing to do with political police. He was made Chief of Police at Koenigsburg Police Main Office in 1936, where he was also in charge of the Gestapo. In 1939 he was transferred out of the Gestapo and became Police President. (p. 649)

I. Activities relating to Article 6 of the Charter.

1. Concentration Camps (Stettin)

In 1934 witness turned in his superior, Chief of Police in Stettin and SS Oberfuehrer in Pomerania, Engel, for having established an unautho ized Concentration Camp at Vulken Werft. He made this complaint on the basis of reports coming to him of the maltreatment of prisoners, especially of Jews, whom Engel had imprisoned for refusing to give him either money or material. These reports came to him from Gestapo men and he in turn reported to the President of Stettin. Through the latter the case was brought to the attention of Goering, who was then head of Gestapo in Prussia. (pp 649 to 650)

Goering initiated an investigation; as a result of which, Engel was removed from his police post in Stettin and ultimately wound up as Director of Garbage Disposal in Berlin. Those guilty of maltreatment of prisoners were first sentenced to penal servitude and later (30 June 1944) executed on order of Goering. (p. 651)

The Gestapo incurred considerable displeasure in political circles for its part in the protests against Engel's Concentration Camp. Gestapo officials who had reported against the camp were ordered to appear in Berlin, and most of them were transferred to other posts. Witness himself was transferred and refused membership in the Nazi Party. Engel was at first reinstated by his political friends and then through Goering's intervention finally deposed. (pp 651, 669)

The camp at Stettin was operated and guarded exclusively by SS men. The immediate reasons for witness' protests were the fact that the camp was unapproved, that the living conditions were unworthy of human beings, and that there was wide spread abuse of prisoners. Furthermore, many of the prisoners had been incarcerated because of refusal to yield to extortion of their possessions on the part of Engel. As far as witness could determine these blackmailing activities of the SS were not uniform throughout Germany but occurred in places where responsible leaders were of a certain calibre. Witness mentioned the infamous Columbia House in Berlin as another example but knew nothing about it. (pp 658-660)

On cross examination the witness admitted that the Stettin Camp personnel who were executed were put to death in connection with the Roehm Purge by order of Goering and not as a result of their activity in the Vulken Werft Camp (p. 671). Witness at first denied that Gauleiter

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Karpfenstein had anything to do with the establishment of the camp but, when confronted with Goering's testimony (page 5839 of the Tribunal Transcript), he admitted his mistake in this respect. Asked whether Karpfenstein's expulsion from the Party was sufficient punishment for his part in the atrocities, witness countered with the opinion that Karpfenstein was released because of participation in a conspiracy with Obergruppenfuehrer von Heydebreck, Chief of the SA in Pomerania, during the Roehm Putsch. (pp 671, 672)

2. Jews - Innocence of Gestapo in Jewish Pogrom of 8 and 9 November 1938

Vitzdmann testified that Gestapo officials were called into conference with Heydrich, the head of the Gestapo, on 8 November 1938 in Munich. At this meeting Heydrich announced that reprisal measures against the Jews would soon ensue for the murder of the Councillor of the Embassy in Paris, von Rath. It was implied that this action was instigated by Goebbels. Heydrich emphasized the fact that the pogrom did not rise from police action and that police participation would be restricted to preventive measures. Gestapo officials were ordered to return and attempt to put an early end to the pogrom. They were specially instructed to prevent the holding of meetings. The witness explained the contradiction between his testimony and the instructions contained in Document PS 3051, which is a teletype to all police offices from Heydrich, directing that the police are not to prevent the demonstrations, by expressing his opinion that when Heydrich sent the teletype the synagogues were already on fire and excesses had already taken place and he could not then issue an order to prevent that which had already happened. (pp 652, 653, 654)

When the witness returned to Koenigsburg from Munich, he learned from his Executive Department that the synagogue had been set on fire and that buildings of the Jews had been evacuated and seized by the troops, that the population had taken and distributed furniture and clothing and that 3 or 4 SA men had killed 3 or 4 Jews. Gestapo officials had been commandeered everywhere in order to prevent further looting. Witness had the SA men arrested and handed over to the guards. He requested the Gauleiter to order the property of the Jews restored and he took a number of distinguished Jews into custody in order to protect them. These men he kept in the rooms of the local Fire Brigade's School where they were well treated and released within a matter of weeks. Not a single Gestapo employee acquired Jewish property and he himself was responsible for the protection of a half Jewish woman who had been the mistress of von Rath in Paris. (pp 655 to 657)

On cross examination the witness admitted knowledge of an order of Heydrich, dated 10 November 1938, to all State Police Stations that they should arrest as many rich Jews as could be accommodated in the prisons, with the proviso that the prisoners should be healthy and young, and that these people should be sent to the appropriate Concentration Camps. He excused the execution of this order, with the explanation that it was carried out so as to undermine the pogrom. This order was considered unjustifiable by Gestapo employees and witness admitted that it was in complete contradiction of German law but maintained that he disobeyed the order by refusing to send the Jews into the Concentration Camps. He did not know that 20,000 Jews were arrested on November 10th and 11th but was willing to accept Heydrich's report that this was the correct number. For his own part, he said that the Jews had been arrested before he returned to Koenigsburg from Munich. He was told that the Gestapo did not know of the burning of synagogues in his area until after the action was in full swing. He did not consider the order which required a law protecting organization to stand by and do nothing to prevent destruction a proper one but he and his employees thought that it was motivated by a desire to stop excitement among the population. (pp 662-666)

The Gestapo did not find out who was responsible for instigating the anti-Jewish demonstration in Koenigsburg. The demonstrators who set fire to the synagogue might have been SA men and political leaders.

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Groups of Brown Shirts paraded the streets during the riots. The operation was a large scale one and was supposed to have been organized by Goebbels. (pp 667, 668)

On further cross examination the witness was again shown Document PS 3051 which was sent 3 or 4 hours after witness' conference with Heydrich. Paragraph 1 of this teletype instructed Chiefs of State Police and their deputies to arrange joint meetings with local political leaders. He maintained that these discussions were arranged so that the Gestapo could better choke off the demonstrations. He repeated that their orders at first were to stop the burning of the synagogue. He explained the statement in paragraph A of the same document that the Gestapo should take only such measures as would prevent danger to German life or property and that they were to allow synagogues to be burned only when there was no danger to surrounding property, by pointing out that this was an order originating in Himmler and intended for the entire German police, not just for the Gestapo. (pp 674, 675)

He had no knowledge of any instructions to the Gestapo to confiscate valuable objects in Jewish possession. He was confronted with the statement of Heydrich (page 44 of Document PS 3051) "But will also have to find an arrangement for confiscation of valuable objects in Jewish possession." (p. 677)

He remembered an order which stated that the Jews who intended to leave Germany could be released from the camps and maintained that he had used this order to release a number of Jews but he did not believe that the Gestapo was arresting thousands of Jews in order to induce them to leave Germany. (p. 677)

On redirect examination witness offered testimony that he and his employees very reluctantly carried out Heydrich's orders and that, had they failed to do so, he and all his employees would have been sent to a Concentration Camp. He also asserted that none of the synagogues which were burned in his area were burned on orders from Heydrich. (p. 679)

Summarized by:

J. S. CONWAY

H1095 - 0093

SUMMARY OF EVIDENCE OF KARL WAHL, WITNESS

FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

15 JULY 1946

TRANSCRIPT PAGE NOS.

SUBJECT: Organizational Set-up, Aims and Activities of a Gauleiter.

Witness joined the party in 1922 and acted as Gauleiter of Gau Schesaben in Bavaria from 1928 to 1945. In 1935 he became the President of the Government in his Gau.

I. Activities Relating to Article 6 of the Charter.

1. Organization Book of NSDAP.

The Organization Book, Document PS-893, was characterized by the witness as a thecretical document which had no practical value. He stated that it was one of the least read books in the whole Reich and that its large circulation could be attributed to the fact that everyone down to the Orts-gruppenleiter was compelled to buy one. It was termed "the organizational nonsense of Dr. Ley". Hitler himself appeared to disapprove of it, as was especially evidenced by the fact that in 1932 he sent a memorandum to the witness in which he stated his desire to have organizations kept to a minimum.

The term "Hoheitstrager" was conceived by Dr. Ley. The political leaders refused to use the term as they never felt they were sovereign men but only humble servants of the population. Although the Organization Charter included Blockleiters and Zellenleiters as Hoheitstrager in actual practice only the Gau, Kreis and Ortsgruppen leiter belonged in this category but not Zellenleiters and Blockleiters. The publication "Der Hoheitstrager" was received only down to the ranks of the Ortsgruppenleiter.

The Block and Zellen leiters had no sovereign rights or legal or police authority which justified the implication that they were "little Nazi kings". They were merely the helpers of the Ortsgruppenleiters in technical questions and their main tasks involved the collection of contributions, the selling of cards, etc. Witness maintained that it was not a task of Block and Zellen leiters to spy on people and denounce them. The organization charter was not in accord with facts wherein it relegated that function to them. However, he admitted that if in his Gau someone had grumbled about Hitler and if the Block or Zellen leiter had heard about it, they should denounce the person as any party member would, but it was not their specific duty as political leaders to do so. The witness neither gave nor received orders to the effect that the Blockleiters and Zellenleiters should spy on the people and denounce them if necessary.

2. Evidence Pertaining to Organization Set-Up.

There were 42 Gaus in Germany. The Prosecution's contention that the Hoheitstrager, including Block and Zellen leiters, totalled 600,000 people seemed too small to the witness due to the fact that the turnover from 1930-1945 was very large. He estimated that there were about 12,000-15,000 political leaders in his Gau.

On the Kreis Staff witness considered as political Amts the Educational Amt, the Staff Amt, the Propaganda Amt, the Employees Amt, the Treasurers Amt and the Organizational Amt. The professional offices consisted

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of the Amt Protective, the Amt for Public Health, the Amt for Agriculture and Economic Problems and the Amt for War Industry. Separate professional organizations, such as the Reich National Socialist Professors Organization, also maintained liaison men in both the Gauleiter and Kreisleiter offices.

In regard to the NS Women's Organization, the corresponding women leaders in the Orts, Gau or Kreis were at the same time in liaison with the Staff of Orts, Kreis and Gau.

Witness had attended various Reichleiter, Gauleiter and Kreis Togung (meetings). At first there were open discussions at these meetings but during the last 10 years "there were no more discussions". Talks were not secret and press attended. The topics varied with the group - but criminal activities were never discussed, that is, such as plans for aggressive warfare, etc. Witness knew of Hitler's decree according to which no one had a right to know more about orders than absolutely necessary for execution of his personal orders and stated that it was "considered a reality".

3. Relation of Political Leaders to Other Organizations.

Political leaders had no influence with regard to the work of the SS. However, good relations were maintained by the witness with both the SS and the SA but he stated that controversies with the GESTAPO were unavoidable.

4. Concentration Camps.

According to the witness the SS established camps and provided supplies for persons interned therein. The political leaders had no part in their set-up and as a general practice were not allowed to visit them. Witness, a Gauleiter, had to have Himmler's permission to even enter one. The witness was violently opposed to the maintenance of concentration camps and often expressed this view to Hitler. One conversation, occurring in either 1936, 1937, 1938, was recalled wherein Hitler stated that he could not let enemies run free damaging the reconstruction and he shouted that if he had an island he would put them there but as long as he had no island they would have to stay in the concentration camps.

5. Attitude Towards the Church.

Witness knew of directives against the Church emanating from Bormann but he did not aprove or follow them. He referred to the action of Adolf Wagner, Gauleiter and Kultusminister of Bavaria directed against crucifixes in schools and stated that he stopped the directive as far as possible.

The political leaders did not impede church activities, did not ask anyone to resign from the church and were themselves never requested to resign. On one occasion Bormann sent an emmissary to the witness regarding Bormann's so-called monastery property order. Pressure was put on the witness to transfer the monastery in his district to the Party. However, witness delayed action and later Hitler ordered that the action be stopped altogether.

6. Treatment of Allied Fliers.

Witness received directives from Bormann, Goebbels and Himmler regarding the treatment of Allied fliers but he did not transfer or execute the orders. (The Bormann directive provided that participants in lynchings of fliers were not to be punished)As he was an ex-soldier himself, he believed they should be well treated and for this reason could not comply with the orders. He did not know of any instance of mistreatment of an enemy flier although his district was heavily attacked.

7. Treatment of Foreign Laborers.

There were between 40,000 and 50,000 foreign laborers in witness's Gau. Most of them worked on the farms. Witness had two deputies, a Deputyof Labor front and a Deputy of Reich Food Estate, who were ordered to

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put a stop to any bad situations and to report to witness if they were unable to do so. However, on the whole the foreign laborers were treated equally as well as German laborers.

Witness knew of certain decrees relative to harsh treatment of Polish Laborers but they were not treated any differently than other foreign wokers in his Gau. On cross-examination, Document EC-68, a directive issued by a Gaumtsleiter severely restricting rights and privileges of Polish workers was brought to Witness's attention. He stated that the Document was confined to Gau Baden and that although some Kreisleiters executed the orders the majority of the people concerned with the directive merely laughed about such things as they were not practical. He never received that particular one. Document D-884A, a letter dated in 1944 from the Gaustabsamleiter of Baden Elsass regarding regulations pertaining to pregnancy of foreign women workers was also introduced. Witness stated that he loathed those things as much as the Tribunal.

8. Persecution of Jews.

Before seizure of power, the party took the view that only influential Jews would be removed from their positions and no harm would come to the average little Jew - but afterwards witness was horrified to discover that the GESTAPO was removing Jews from his Gau without his being asked about it. The GESTAPO was acting on Himmler's orders and sending them to concentration camps. There were about 3,000 Jews in witness's Gau. He was unable to prevent their removal.

Periodical press notices asking people not to buy from Jews was only effect of Jewish boycott in 1933.

Witness was ill in a sanitarium during excesses of 10th and 11th of November 1938 but he issued orders to his deputy that he was to do everything within his power to prevent destruction of Jewish property.

Excesses seemed to be under no central direction - had no focal point, were undertaken by individuals and participants were therefore mixed and included SA, SS and political leaders.

II. Evidence of Compulsory Participation in the Party.

Witness testified that he was familiar with a decree of 1941 or 1942 which provided that party members who refused to take over a party office were to be subject to trial by a party tribunal. Witness testified on both direct and cross examination that he thoroughly disapproved of the official leadership with regard to the Jewish problems, concentration camps, the Church struggle and lynching of fliers, etc. and often was on the verge of resigning his office. However, he felt compelled to remain in his position for various reasons - fear some one worse would be appointed, loyalty to the people in his Gau, etc.

Summarized by: D. M. HUNT

H1095 - 0096

SUMMARY OF EVIDENCE OF

OTTO FREIHERR VON WALDENFELS

WITNESS FOR THE SA TAKEN BEFORE

A COMMISSION ON

17 JULY 1946

SUBJECT: The Stahlhelm

Witness was a senior archives counsellor by profession and resided in Munich Pasin. He was never a member of the Party. Within the Stahlhelm organization he was first Obergruppenfuehrer and then successively held the positions of Battalion Leader of the Landes Association Hockland and Leader of the Landes Association Bavaria, which included Bavaria-Hockland, Franconia and Bavaria-Ostmark.

I. Activities Relating to Article 6 of the Charter

1. Organization and Purposes of the Stahlhelm

The Stahlhelm had two Bund leaders, Seldte and Duesterberg. In 1933, at the time of the Nazi rise to power, there were approximately one and a half million members in the Stahlhelm, plus 500,000 young men under 16 years of age.

This membership was divided into 4 groups: the Scharnhorst, which included the younger members up to 16 years of age; the Jungstahlhelm, who were from 16 to 22 years old; the Wehrstahlhelm or sport formation, who were between 22 and 34 years of age; and the Kernstahlhelm, which was composed of members over 34 years of age.

The constitution of the Stahlhelm authorized 2 Bundesfuehrer, a Bundesfuehrer council, which consisted of these 2 plus a number of Landesfuehrer and the general assembly or membership meeting of the entire Bund. The organization was based on this democratic constitution.

The Stahlhelm had the two-fold purpose of helping to build a strong Germany and, at the same time, encouraging the maintenance of amicable relations with other nations. It helped to bring its own members together in the type of close comradeship which they had enjoyed as German soldiers, and to extend this friendly spirit so that it might permeate the whole German people. As a result of their vivid recollections of the horrors of war, Stahlhelm members were not at all willing to participate in another. While they considered the Versailles Treaty a wrong to Germany, Stahlhelm members hoped to achieve its modification by means of friendly contact with the veterans' groups in other countries. To this end they established contacts with French, English and Russian veterans' organizations.

The Stahlhelm had no military activities. Its members received training in athletics which was called Wehr sport training.

All Jewish people who had participated in World War I were eligible to become members of the Stahlhelm. Many Jewish people did, in fact, join this organization.

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2. Assimilation of the Stahlhelm Into the SA

On 27 June 1933 the Stahlhelm was made subordinate to the supreme leadership of the SA. This occurred after Seldte had taken over the dictatorship of the Stahlhelm on 27 April 1933, in violation of the constitution of the organization. In order to accomplish this step, Seldte dismissed 2nd Fuehrer Duesterberg, who was opposed to the delivery of the Stahlhelm into the hands of the SA and the Party. This move by Seldte was highly unpopular among Stahlhelm members.

Two orders from Hitler accomplished the amalgamation of the Stahlhelm into the SA. The first was a decree which put the organization totally under the command of the supreme SA leader; and the second order of 4 July was signed by chief of staff Roehm and specifically demanded the insertion of the Wehrstahlhelm (Jungstahlhelm and sport formation) into the SA. In the Landes district of the witness, this transfer took place in September and October of 1933.

Half a million members of the Wehrstahlhelm (Jungstahlhelm and sport formation) were assimilated into the SA; approximately 442,000 members of the Kernstahlhelm were transferred to the SA Reserve # 1 by order of Roehm on the basis of the July 1933 directive of Hitler; but there were about half a million Stahlhelm members who belonged to the Kernstahlhelm who were not assimilated into the SA due to their being over 45 years of age or physically disabled. It had been contemplated that members of the Kernstahlhelm over 45 years old should form a SA Reserve II but nothing was ever done about this. Of the Scharnhorst group, half a million members were transferred into the Hitler Youth and these did not become members of the SA. The Stahlhelm was not consulted in advance with regard to this step, and the promise which they received of autonomy within the SA organization was never fulfilled. Stahlhelm leaders were transferred in grade but very few of them were ever given positions of authority within any commands or command units in the SA organization. The witness could give this information for other chapters of the Stahlhelm organization, in addition to his own.

On 25 January 1935, SA Reserve # 1 was transferred into the SA proper. This transfer required several months. In some cases it was done by means of a ceremonial transfer; in other cases, the order was read to the men at an assembly; but in all cases the people involved knew that they were then in the SA.

With very few exceptions, the members of the Stahlhelm organization did not enjoy being transferred to the SA. They were, however, powerless to do anything against this order.

After their assimilation into the SA, most Stahlhelm members remained in secret opposition to the NSDAP and its claim of totality.

At the time of the Roehm Putsch, witness heard that the SA had assembled at Oberweisenfeld and that the Reichswehr had been put in a state of alarm. He alerted his Stahlhelm unit and placed them at the disposal of the commander of the Wehrkreis for use against the SA. This proved to be unnecessary as the Putsch itself took care of Roehm and his co-conspirators.

Such was the resentment of Stahlhelm members at having been assimilated into the SA that the National Socialist press characterized the Stahlhelm as a gathering place for enemies of the Nazi system. There were many convictions and arrests of Stahlhelm members and Stahlhelm formations during 1933, 1934 and 1935. Some of these arrests were caused because the Stahlhelm men attempted to get out of the SA.

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On cross-examination, the witness was questioned at some length as to just why Stahlhelm members resented being assimilated into the SA organization. Witness named the following as elements in the popular disinclination of the Stahlhelm members toward joining the SA organization: the shabbiness of the SA policy and behavior; the lack of emphasis in the SA on sports activities which were very important in the Stahlhelm; and the exclusive claim which the SA group asserted to all that was typically German.

II. Evidence of Voluntary or Compulsory Membership

Most of the Stahlhelm members were unwilling draftees into the SA organization under the assimilation decrees. However, it was impossible for a Stahlhelm member to get out of the SA unless he suffered from some severe physical disability. If he insisted on resigning in the absence of such incapacitation, he would have been dishonorably discharged, would have been put under police observation and would have been ineligible for any remunerative position. In February 1935, when witness learnt that he was appointed SA Reserve brigade leader, a rank considerably below the rank he had held in the Stahlhelm, he immediately applied for resignation from the SA. Witness was put under police observation, his telephone was checked, his mail read, and his family and friends became very much alarmed because they knew he was under police scrutiny.

On cross-examination, it was elicited from the witness that he, a civil servant, never became a member of the Party. He knew of a few other civil servants who did not become Party members and kept their jobs. This was a common situation among his assistants who knew that they would not risk any expulsion from service for not joining the Party, because they knew of his attitude towards it. He, on his part, worked for an old army man who had very little use for the Party or its organizations, and so he felt safe in not joining.

III. Knowledge of Criminal Activities

On cross-examination, the witness admitted that the SA, after the Roehm Putsch, continued their former policy of persecution of the Jews. He pointed out, however, that the SA organization gradually diminished in importance and activity during these years. Witness could not give any specific instances or examples of this persecution and his statements with respect to it could be taken only as his impression.

Summarized by: J.S. CONWAY

H1095 - 0099

SUMMARY OF EVIDENCE OF RICHARD WALLE

WITNESS FOR THE S.A.

TAKEN BEFORE A COMMISSION ON

25 June 1946 [illegible]pt Pages
26 June 1946 Transcript Pages

SUBJECT: Organization and Activities of the National Socialist Reiter Korps.

Witness was Obertruppfuehrer and later Leader of Reitersturmer in city of Siegen in Westphalia.

I. Activities Relating to Article 6 of the Charter

1. Incorporation of Rural Riders' Association into the S.A.

About the middle of 1933 conversations were held between the Leader of the Rural Riders' Association, Mr. Rau, and the Leadership of the SA, at which time it was demanded that the Rural Riders' Association should be incorporated into either the Party or the SA in the process of "Gleichschaltung". By this process it was intended that all athletic associations be ultimately tied to the Party. It was guaranteed that the associations could retain their autonomy. The associations were threatened with the confiscation of their grounds and property if they refused. The Riders' Association, therefore, submitted and became SA Reitersturms. The witness stated that the promise of autonomy was kept. In most cases the Chairman of the Riding Association or the riding instructor was made a Leader of the Reitersturm. In the higher levels, such as the Kreis level, the Chairman was appointed as a Standartenfuehrer or Gruppenfuehrer of the SA.

2. Organization of the Reiter Korps

The Reitersturms were composed of from 20 to 100 members. The Sturms in each district were combined in the SA "Standarten" and they in turn combined into "Riders Groups". The latter covered a large territory such as Bavaria, Westphalia or Gutenberg. The "Riders Groups" were combined into the National Socialist Reiter Korps.

The Reiter Korps, together with the National Socialist Motorists Korps and the National Socialist Aviators Korps, made up the three large athletic associations of the Party. The Reiter Korps alone could not entirely free itself from the SA, due to the lack of political influence of its Leader Litzmann, although it attempted continually to do so. On 10 March 1936 Hitler ordered all SA Reiters should be combined into independent SA Riders' Associations. This order only reaffirmed the existing setup. The connection between the Reiter Korps and the SA was not close. It existed only by reason of the fact that the Chief of the Reiters was subordinate to the Chief of Staff of the SA. Apart from that it was entirely independent. At the time the transfer into the SA took place its total membership was approximately 100,000. Later it grew to approximately 200,000. About 80 percent of the members were farmers.

3. Activities of the National Socialist Reiter Korps

The purpose of the organization was to pursue and cultivate riding skill and breeding and training of horses. Instructions were given with regard to anatomy, diseases, etc., of horses, and demonstrations of an athletic and agricultural character were held. These functions remained unchanged after its incorporation into the SA.

H1095-0100

4. Participation in War Crimes

The National Socialist Reiter Korps refrained entirely from any kind of political activity. The leaders did not attend the political schools of the SA, although some of them did attend the Reichs Riding School in Berlin. General character and the riding ability of each member were made the sole basis for his advancement. Members did not attend political conferences, such as those held by the Kreisleiters, for example. In 1937 the Party had demanded that all members of the Reiter Korps be transferred into the Party but this demand was refused. The publications "St. George," "Deutsche Reittefte" and "Riding School", were read in the circles of the Reiter Korps. The "SA Mann" was hardly ever read.

The National Socialist Reiter Korps was not anti-Semitic and continued to do business with Jewish livestock dealers even during the period of National Socialist rule.

The farmers who belonged to the association were religiously inclined and the Reiter Korps never requested any of its members to resign from the church. The overwhelming majority of the members were farmers. Many ministers of the church belonged to the association and its activities were scheduled to permit members to participate in religious ceremonies.

The National Socialist Reiter Korps had nothing to do with the dissolution of trade unions and had no connection whatever with concentration camps. However, witness stated that some of its members had been incarcerated because they were hostile to the Party. They did not participate in the Jewish excesses of November 1938. It was characterized as a civilian society—purely a sports club. Witness cited an example wherein a Dr. Pflüeger had been dismissed as a Civil Servant—his plea that he belonged to the Reiter Korps was rejected on the grounds that it could not be recognized as a political activity. Witness further stated that the association was considered a refuge for those persecuted for political reasons and that many foreigners were members. Membership in the SA was considered of less importance than membership in the Party and membership in the Reiter Korps was negligible.

The Reiter Korps did not participate in any preparations for aggressive warfare inasmuch as farmers were basically against war. The Wehrmacht had its own training center and the Reiter Korps did not serve as a reservoir for replacements in it. Also, the increased motorization of the Army made such replacements unnecessary. The Reiter Schein (Rider's License) was a certificate issued when a certain degree of efficiency had been attained. Even non-members were eligible to receive one. While the certificate carried a note that the holder would be put in a cavalry unit if drafted in the Wehrmacht, the Wehrmacht paid little attention to it and this policy was not adhered to. The German Reiterabzeichen (riding insignia) and the German Youth Reiterabzeichen were considered much more desirable. The Wehrmacht did not supervise any training in the Reiter Korps which was conducted on a strictly non-military basis.

On cross-examination Documents D 194 and D 193—articles appearing in the publication "[illegible]uehrer" in October and December, 1936—were introduced. In the October article the statement was made that the need for a horse SA was recognized by the National Socialist Corps of Horsemen and by the introduction of a riding certificate, this purpose was given a clearly defined direction. The article went on to discuss the uses of infantry and cavalry in warfare. The witness still denied that the riding certificate had any military significance and claimed it was merely a certificate, with reference to efficiency in the sport of riding. The article of December 1936 also discussed cavalry and infantry training and mentioned the Reiter Korps in connection with reconnaissance work on maneuvers. The witness stated that the above did not correspond to the actual facts. He also stated that the article had probably been written to counteract the loss of public interest in horses and in riding as it was generally known that Hitler had rejected the horse in the Army.

Summarized by: D. M. HUNT

H1095-0101

SUMMARY OF EVIDENCE OF HANS WEGSCHEIDER

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON THE

15TH OF JULY 1946

TRANSCRIPT PAGE NOS._____

SUBJECT: Organizational Set-up, Aims and Activities of Ortsgruppenleiter in Rural Germany.

Witness joined the Party on March 28, 1933. On the same day he was appointed Ortgruppenleiter and on the 15th of April 1933 he became a Burgomeister. He continued to serve in both functions until the end of the war. His district included Hirschdorf, Gemeide, St. Lorenz and Allgau.

I. Activities relating to Article 6 of the Charter.

1. Organization of the Ortsgruppe.

In witness's district the Ortsgruppe organization consisted of a Kassenleiter (treasurer), an organization leiter, a training leiter, eight blockleiters and two Zellenleiter. The Zellenleiter took care of four blocks. They received dues from the Blockleiters and distributed informational material to them. The Blockleiters in turn distributed the material to party members while collecting the dues. The Blockleiters were sometimes also utilized for community work.

Files were kept regarding contribution of dues but witness testified that in his district there were no files showing political connections of the people.

The Ortsgruppe had no authority in police matters and could not call upon the SS or SA for any purposes.

Witness held three large meetings of a community nature between 1933 and 1939. Other meetings were ordered by the Kreis. These meetings were usually held in the spring and fall of the year due to the rural nature of the district and were open to the public. Kreis lecturers and Gau lecturers clarified the events of National Socialism to the people and also discussed events occurring in agricultural organizations.

The witness held meetings with his political leiters about every six months, principally to ascertain the reaction of the people to various agricultural directives and so on. The Block and Zellen leiters did not have meetings or conferences among themselves.

About twice or three times a year the witness attended a conference with the Kreisleiter. At these meetings the Reichs Staff and Reich Amts leiters were assembled and a few of them gave lectures on NSV, DAF or peasants, followed by a general discussion after which the Kreisleiter made a final address.

Witness emphasized that at no meetings were measures or plans discussed that could be characterized as being humanly indecent. In fact in 1934 the Kreisleiter laid down as a basic principle, the instruction that "you should not govern or command the people but you should lead them". He especially directed that if persons criticized the State, the reasons for it should be ascertained to be sure that no injustices were being done. Witness instructed his Block and Zellen Leiters to pursue this course of

H1095 – 0102

action and instructed them that if it was necessary to take action against anyone that a signed statement be submitted to him with the guaranty that the facts were correct. Actually, however, he only received one denounciation during the whole period he served as Ortsgruppenleiter and that was an instance of a disagreement between two party members.

Witness did not know that the organization charter provided that Block and Zellen leiters were to find out who were spreading rumors and denounce the people involved. He also testified that during 12 years he found no time to read "Mein Kampf".

Witness defined the term Hoheitstrager as including persons who had sufficient rights in a well defined area or were in charge of those areas. He did not consider Blockleiters and Zellenleiters to be Hoheitstrager.

2. Concentration Camps.

Witness in his capacity as Ortsgruppenleiter never received directives pertaining to the detention of Germans in concentration camps and never issued any.

After he assumed office no one in his district was ever sent to a concentration camp. However, prior to that time two men had been sent to camps. The witness was later able to obtain the release of one of the men and at that time he informed the witness that he had been treated well and the food was good. Witness never heard that people in concentration camps were mistreated or killed.

3. Attitude towards the Church.

Witness neither received nor transmitted directives indicating that political leaders were to be hostile to the Church. Political leaders attended church services and furthermore witness and 8 of his coworkers were members of their local choir. The people of his district were almost entirely of the Catholic Faith.

4. Attitude towards the Jews.

There were no Jews in witness's district although some of the farmers traded with a Jewish cattle dealer residing in another district, but no attempt was ever made to interfere in these transactions.

5. Treatment of Allied Aviators.

Witness never received any directives stating that American flyers were to be badly treated. In fact the Kreisleiter ordered that flyers were to be decently treated as prisoners of war. Witness cited several instances wherein he had turned prisoners of war over to the Gendarmerie and stated that they had not been mistreated in the least.

6. Foreign Workers.

There were about 60 foreign workers in witness's district - Poles and Ukraines. The workers lived on farms and were treated the same as German workers. At one time he received a directive from the Ortsbauernfuehrer that they were to eat at separate tables, were not to use bicycles and were to be home at a set hour. However, it was found to be impracticable for farmers to cook separately for them and that part of the directive was ignored.

Summarized by: D. M. HUNT

H1095-0103

SUMMARY OF EVIDENCE OF

E R N A W E S T E R N A C H E R

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

26 JUNE 1946 - TRANSCRIPT PAGES 1865-1869

SUBJECT: Lack of Connection Between the Women's Organization and the National Socialist Corps of Political Leaders

The witness joined the Women's Organization in the fall of 1931 because of a desire to aid in the alleviation of the general misery of the day and because she liked the democratic spirit and practice of the Women's Organization. She was chief of the local Women's Organization in Barfelden-Odenwald from 1931 to 1936 and, beginning in 1932, she became at the same time the Leiter in the Kreis office of Erbach-Odenwald. In 1935, she transferred from the latter office to the position of Frauenschaft leader in Frankfurt a/Main. (Pp. 1865-1866).

I. Activities Relating to Article 6 of the Charter

1. Functions and Autonomy of the Frauenschaft

The witness testified that the Frauenschaft was established as a Party organization but that it was unconnected with the political leadership corps. It was basically impossible to attach the NSF (the National Socialist Women's Organization) as a department in any Party structure, because in the Third Reich women were supposed to refrain from politics. (Pp. 1866; 1869).

The Women's Organization, as shown on the diagrams in the 7th edition of the Organization Book of the Party, was connected with the political and professional offices by a broken line, rather than a straight line. This was intended to indicate that the Women's Group had no organizational connections with the staff of the Gauleiter or with the staff of the Kreisleiter. The connection of the NSF with the political leadership was purely that representatives of the Women's Organization were expert advisers to the political leaders in matters pertaining to women and that the Women's Groups had a disciplinary connection with the Party political leadership. (Pp. 1867-1868).

At the infrequent conferences which the witness had with the Gauleiter, general questions pertaining to the Gau were discussed. The Gauleiter did not issue any directives to the Women's Organization and the Women's Group received its orders from the Reichsfrauenschaftfuehrung. (P. 1867).

2. Innocence of the Nazi Women's Organization of any Criminal Activities

The witness reiterated that the Women's Organization took no part in politics. Therefore, she testified that the Women's Group was not active in opposition to the church or in the mistreatment of Allied fliers who had made emergency landings. (P. 1868).

With respect to the treatment of foreign workers and prisoners-of-war in the Reich, the witness testified that she knew of complaints from German women that they and their children were poorly dressed, whereas Ukrainian and other foreign women received better treatment. She testified that there was some truth in this because she herself had made collections of clothing for these foreign workers. (P. 1869).

Summarized by: J.S. CONWAY

H1095 - 0104

SUMMARY OF EVIDENCE OF WILHELM RUEDIGER VON WOIKOWSKY-BIDEAU, WITNESS FOR THE SS ORGANIZATION TAKEN BEFORE A COMMISION ON 10 OF JUNE, 1946

PAGES 579-586 OF THE TRANSCRIPT

SUBJECT: Training and Activities of the SS Riding Groups.

Witness belonged to a riding group in Schöbekirch/Neumarkt which in 1933 received orders to transfer to either the SA or the SS (Page 579).

I. Evidence of voluntary or compulsory membership.

1. Transfer of local riding groups to the SS or SA.

As far as witness knew all rural riding groups received such orders. There was no political reason behind the reason to transfer to the SA or the SS. The decision as to which organization to join was based on the "breeding areas" of horses. Most riding organizations appeared to have been taken over in their entirety as groups (Page 580).

In cross examination witness admitted that there was no special pressure on people to join. The unit as such, however, was transferred. If any member refused or resigned the only loss he would suffer would be that he could not participate in any tournaments. 90% of the members owned their own horses but their refusal to join would not have prevented them from riding.

II. Activities relating to Article 6 of the Charter.

1. Training not military.

There was no pre-military training (Page 580). Members of the SA received riding certificates regarding their proficiency in horsemanship that might enable them to join a cavalry unit in the Army. This, however, did not apply to SS members (Page 581).

2. The objectives of the organization were sporting and non-political.

Witness was advisor on riding matters in the SS main office. The objectives of the organization were entirely sporting and no orders were received to use such activities as propaganda (Page 582). There were comparatively few party members and most of the members were farmers. There was no political training until after 1934 when the only political training carried out was that according to the party pamphlets (Page 583). SS riding units took part in international events and Prince Bernhardt of the Netherlands was once a member. (Page 585).

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1095-0105

SUMMARY OF EVIDENCE OF KURT WOLF

WITNESS FOR THE S.A. TAKEN

BEFORE A COMMISSION ON

22 JULY 1946 TRANSCRIPT PAGES 2959 TO 2976

SUBJECT: Discipline of SA members, with special reference to Jurisdiction of Various Courts.

Witness, a lawyer, became a member of the Party in October 1930 and joined the SA in March 1931, acting as Ehrenfuehrer in the rank of Sturmbannfuehrer. His duties consisted of acting as legal advisor for special cases in court.

I. Activities Relating to Article 6 of the Charter

1. Activities of the SA, with reference to Discipline

Witness testified that from 1930 to 1933 he was frequently assigned as legal advisor in courts in special cases wherein he acted as Defense Counsel for the SA. The basis of trials against SA men consisted of emergency decrees, police decrees, the law for protection of the Republic and also various provisions of criminal law.

Witness testified that the SA was forced to defend itself against political enemies but an order of the Supreme Command of the SA strictly forbade members to carry arms--even the carrying of a stick was forbidden. Its political enemies, the Reichshammer and Rotfront did carry arms. At meetings SA men were even searched for weapons. Because of this SA had most of the dead and wounded after political incidents as they did not possess the means to defend themselves. Candidate for the SA had to have an absolutely clean police record. If it was later learned that a man did not have such a record he was expelled.

During the fight for power whenever the commander of an SA unit or the SA Supreme Command learned of excesses, the offenders were handed over to competent authorities for punishment as excesses were disapproved. When this happened the offender's unit was informed and he was removed from the service until the end of the trial. All offenders were punished strictly according to law, irrespective of the service they had rendered during the fight for power. The cases were hailed by Amtgericht Munich and Landgericht Munich I and Landgericht Munich II. Hitler ordered through the Minister of Justice that older members of the Party should be punished most severely as they were expected to exercise firm discipline over their subordinates. This information was passed on to the various courts.

2. Courts

Witness testified that SA Courts were more severe than Party Courts. In a Party Court the offender was only temporarily expelled from the Party whereas in the SA Court men were usually immediately and irrevocably expelled from the Party. The SA Court was purely a disciplinary court only for SA men. If an SA man committed an offense against the criminal law, such as murder, he would be tried by an ordinary court and not by the SA Court. However, after the proceedings the SA Court would decide whether the man should be expelled from the SA.

The Party Court had jurisdiction over members of the Party. They could try SS or SA men only in their capacity as members of the Party. The Oberstes Parteigegericht was the Supreme Court for all members of the Party. It did not have jurisdiction in ordinary criminal

matters and witness stated on cross-examination that it was impossible for the Fuehrer or other Party leaders to transfer criminal cases from the State Tribunal to the Supreme Party Court.

On cross-examination witness was then questioned regarding Document P.S.-3063 U.S. 332, a detailed report of the Supreme Party Court regarding events which occurred in connection with the anti-semitic demonstrations of 9 November 1938. The document dealt with looting and killing of Jews during this period. It stated that it was desirable that these matters be tried by Party jurisdiction and it was not desirable that State Courts determine them without the chief Party having the opportunity of first obtaining clarification about the happenings so that if the occasion arose the Fuehrer could be asked to cancel the proceedings of the State; Goering as Deputy of the Fuehrer entrusted Secret State Police and the Party with investigation of the excesses. A list of various violations and punishments followed: The first was a Party member who had violated a 13-year-old girl and was handed over to the Criminal Court for trial. The second was a Party member who committed theft and was expelled from the Party and handed over to the Criminal Court for trial. The third involved an SA Captain who committed a moral crime against a Jewess and was expelled from the Party and kept in protective custody. The fourth involved an SS Sturmbannfuehrer who killed a Jewish couple and was only given a warning, a sentence of three years, and was deprived of the privilege of holding public office. The fifth involved an SA Sturmbannfuehrer who had shot a 16-year-old Jew and received the same sentence. The document continued listing other men who had killed Jews and were only given minor punishments.

In the same document it was stated that the Supreme Party Court had asked the Fuehrer to quash proceedings in the State Criminal Courts in all cases involving murder as the public realized the drive had been organized by the Party whether the Party admitted it or not. Also for the reason that if Jews had been killed, ignoble motives could not be determined as the men at heart were convinced that they had rendered a service to the Fuehrer and to the Party. The aims of the Supreme Party Court were stated as follows: (1) to protect the Party comrades who motivated by their decent national socialistic attitude had overshot the mark, and (2) to draw the dividing line between the Party and those elements, which, for personal reasons, had misused the Party's national liberation battle against Jewry.

The witness stated that the above instances represented isolated cases and that he, as a German lawyer, was ashamed and horrified by it. He stated that the SA had four and a half million members and that there were black sheep in every group. He was then told that Juettner had testified that in 1934 the SA had been cut down to one and a half million members. However, the witness believed that the SA was larger in 1938.

On redirect examination the witness stated that the document does not represent an attempt to make it impossible to have offenders tried before a Criminal Court but is merely a suggestion by the High Court about the investigations it had carried out. The High Court had no jurisdiction over the SA Court and witness believed the offenders would have been tried by an SA Court if the facts had become known.

Summarized by:

D. M. HUNT

H1095-0106

H1095 – 0107

SUMMARY OF EVIDENCE OF PAUL WOLF WITNESS FOR THE

CORPS OF POLITICAL LEADERS ORGANIZATION

TAKEN BEFORE A COMMISSION ON 28 JUNE 1946

TRANSCRIPT PAGES

SUBJECT: Tasks, duties and aims of Blockleiters and Zellenleiters.

Witness, a locksmith by profession, joined the Party in 1939 and was made a Blockleiter in March 1938 and a Zellenleiter in March 1941.

I. Activities Relating to Article 6 of the Charter

1. Tasks and duties of Blockleiters and Zellenleiters

The Blockleiters collected dues, organized meetings, kept lists concerning composition of their district, and looked after soldiers' families. They did not maintain a staff ordinarily but used women or school boys as aides.

The Zellenleiters acted as an intermediary between the Ortsgruppenleiter and the Blockleiter, receiving directives from the Ortsgruppenleiter for transmission to the Blockleiter. The Zellenleiter attended meetings with the Ortsgruppenleiters twice weekly to receive directives and instructions. Occasionally the Blockleiters attended.

In witness' district the Block and Zellenleiters were comprised of the lower professional class, postal employees, telegraph operators, etc.

Witness was issued an identification card when he became a Blockleiter, but at end of 1944 cards were surrendered to Ortsgruppenleiter for destruction so that names of people holding various positions would not become known.

Witness stated that relationship of Blockleiter to people was not one of "Little Caesar terrorizing residents", but emphasized it was one based on mutual confidence and related several instances where he had aided women in his district, with regard to the delivery of goods, insurance claims, etc. On cross examination the witness was interrogated concerning Document D-90a, a Circular Directive, dated 31 January 1941, issued by the Gauleiter of Cologne. This directive provided that card indices of all households were to be kept. The information recorded on the cards included the date the person involved had first subscribed to "Volkesher Beobachter" and indicated whether families had possessed a swastika flag prior to 1935. The directive stated: "It is easy to obtain this data from a conversation by the Blockleiters with the Germans themselves." And further, "The political judgment of every German is to be carried out by the Ortsgruppen Organizationsleiter in cooperation with the competent Block and Zellenleiter as well as in agreement with the Ortsgruppenleiter..." Distribution of the index cards or lists to Germans or Party members to fill out themselves was prohibited. The witness admitted such cards were kept in his Gau but denied they contained similar information. He stated that on the basis of the above he would have to take the point of view that Blockleiters and Zellenleiters were acting as members of a spy system but contended that that was not the case in his Gau.

2. Exercise of sovereign privileges by Blockleiters and Zellenleiters (Hoheitstraeger)

The Organization Book of the Party characterized Blockleiters and Zellenleiters as Hoheitstraeger. The witness stated that Blockleiters

H1095-0108

and Zellenleiters, however, never gave independent political directives or orders but merely received the completed directives from the Ortsgruppenleiter and, going up, from the Kreisleiter and the Gauleiter.

Four documents were submitted by the Defense to substantiate the point that the Party leadership did not designate or recognize the Blockleiters and Zellenleiters as Hoheitstraeger in practice--PL 1, 2, 3, 4:

> Document One was an excerpt from "The Hoheitstraeger Right of the NSDAP and Its Aspects", by Dr. Anton Link. Documents Two and Three were taken from a book issued by Party Chancellory entitled "Decrees, Orders and Announcements". Document Four was taken from the official journal of the NSDAP, published in 1941, and contained a decree issued by Hitler. All of these papers referred to the Hoheitstraeger specifically as being the Gauleiters, Kreisleiters and Ortsgruppenleiters.

Witness testified that he was not acquainted with the publication, "Der Hoheitstraeger".

3. Attitude of the Blockleiter and Zellenleiter towards the church

Many Blockleiters and Zellenleiters were members of the church, particularly the Catholic Church, and attended services regularly. They were never requested by the Party to resign from the church. Witness stated that although denominational schools in the Saarland had been abolished in 1936 and 1937, such action had been taken by the Ministry of Education and Blockleiters and Zellenleiters were not involved. He had heard that ministers were arrested in other districts but none were molested in his district.

On cross examination witness was questioned concerning Document D-901, a note written by the Kreisleitung of Darmstadt in February 1939 relative to increased activity on part of confessional priests with a special reference to a report made by Ortsgruppenleiter Wimmer, indicating certain information had been furnished by a Blockleiter. Witness claimed this must have been an individual act. Witness was also asked concerning P.S. 1969, wherein Ministry of Interior wrote Gauleiter in Nurnberg requesting an investigation as to political reliability of a woman and especially asking if she had church connections. Witness stated it was an exceptional case and did not represent a general tendency in Party.

4. Attitude of the Blockleiters and Zellenleiters with regard to certain points in Party Program

> Point One of Party Program reads: "We demand the union of all Germans on the basis of the self-determination of all people."

Witness stated that above was interpreted by Blockleiters and Zellenleiters as calling for a peaceful union of all German people.

> Point Three of the Party Program reads: "We demand land and soil (colonies) in order to settle our surplus population and to increase the food of our people."

Above was interpreted as agitation for peaceful return of German colonies in order to alleviate the food shortage in Germany. The witness pointed out that in Germany one square kilo had to produce food for 135 persons, while in France, only for nine, and in England, thirteen.

> Point Four of the Party Program reads: "Only a person who is a Volksgenosse can be a citizen, and a Volksgenosse can be only someone of German blood without regard to religion. That is why no Jew can become a Volksgenosse."

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Witness testified that it was the general point of view of the Blockleiters and Zellenleiters that this attitude was wrong--to fight against someone simply because he was a Jew.

5. Mistreatment of Enemy Fliers

Blockleiters and Zellenleiters did not receive directives concerning treatment of enemy parachuters.

6. Euthanasia

Euthanasia was discussed by the people and by the Blockleiters and Zellenleiters among themselves who considered it inhumane but Party leaders gave no information regarding this.

7. Persecution of Jews

Block and Zellenleiters did not participate in Jewish persecution.

8. Trade Unions

The initiative for destruction of Trade Unions did not emanate from Party.

II. Evidence of Voluntary or Compulsory Membership

Party members, particularly Civil Servants, were compelled to accept Party jobs. It was permissible to resign from Party, but such action would have cost Civil Servant his job, inasmuch as Party and State were considered one and resignation from Party was interpreted as rejection of the State.

Summarized by:

D. M. HUNT

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SUMMARY OF EVIDENCE OF JOHANNES ZUPKE

WITNESS FOR THE SS ORGANIZATION TAKEN

BEFORE A COMMISSION ON MONDAY THE

20TH OF MAY

PAGE 27 OF THE TRANSCRIPT

SUBJECT: The Ordnungs Polizei (Order Police) and the SS.

Witness was an official in the Personnel Department of the Order Police (Page 27).

I. Evidence of voluntary or compulsory membership.

1. Decrees regarding membership of the Order Police in the SS.

In 1934 or 1935 members of the Order Police were forbidden to join the SS or SA and if they did so had to resign (Page 28). In 1937 this was altered by Hitler at Himmler's suggestion and it was decreed that members of the SS who were also members of the Order Police would be allowed to wear the "SS Victory Runes" on their uniforms (Page 29). In principle, however, membership of the SS was forbidden and only a few members of the police remained in the SS. The numbers were increased after the annexation of Austria. There was no necessity for those who joined the SS to be good Nazis and their incorporation did not influence their police activities. They gained no special advantages and did not take an oath (Page 30). They had to pay a small due not exceeding one mark 25. There was a clear distinction between SS and police uniforms and members of the police who were also members of the SS were not allowed to wear SS uniforms on duty. They took part in a monthly SS inspection but performed no other SS duties (Page 31).

They were not usually asked if they wanted to be members but were merely informed that they would be accepted. Himmler was the Supreme Chief of the police and regarded it as an honor to offer membership in the SS. Refusal to accept such an offer would have been regarded as sabotage and the only way for the members to retain their existence as policemen was to accept. (The Commissioner intervened here and elicited the answer that if members refused, high ranking officers at any rate would have been put in a concentration camp but probably not the subordinate members (Page 32). However, no one actually refused.

Members of the Order Police had no idea that the activities or the intentions ofthe SS were criminal when they joined. Witness went so far as to say that if they had had the slightest doubts on this subject they would have had power to induce Himmler not to insist that policemen join the SS (Page 33).

Policemen who were admitted into the SS held the same rank as they did in the Order Police. Witness estimated that the total number of police who applied to join the SS was between 30,000 and 50,000. 26,000 of these were new policemen The Prosecution's contention that all new policemen were recruited from the ranks of the SS is incorrect (Page 34). The SS was supposed to furnish 3,000 men per annum to the police but in fact they did not do so and only very few recruits arrived. As a result most of the new police came from the Army. There were no "cooperative members" as far as the SS and Order Police were concerned so that in fact the number of members who joined the SS was not very large (Page 35). Moreover Himmler distrusted the police and frequently said so. The decrees that were issued concerning the joining of the SS by the police are con-

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tained in the Reich Ministerialblatt (Page 36).

2. SS Police Regiments.

The so-called SS police regiments were merely police units so designated by Himmler if they distinguished themselves in their duties. The members of the Order Police objected to this. Members of the SS police regiments were only members of the SS insofar as they had been accepted for membership in that organization. The police were never trained by the SS but had their own schools and methods of training just as the SS did (Page 37).

In cross examination the witness agreed that the decrees of Himmler do not suggest that membership in the SS was in any sense compulsory (Page 38). Himmler merely expected people to comply with his wishes and, if necessary, exerted pressure on them. Himmler considered that the old methods of training and ideals of the police force were "bureaucratic". Himmler did not confide in the Order Police (Page 39).

Summarized by: A.M.S. NTAVE
Lt. Colonel, AAG
Commissioner